

Official Publication of the State Bar of New Mexico

DIGITAL BAR BULLETIN

April 9, 2025 • Volume 64, No. 7



El Camino Real Monument, by Jonathan Miller (see page 4)

rattlesnakelaw.com

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SPECIAL FEATURE
New Mexico
State Bar Foundation
**2025 Board
of Directors**

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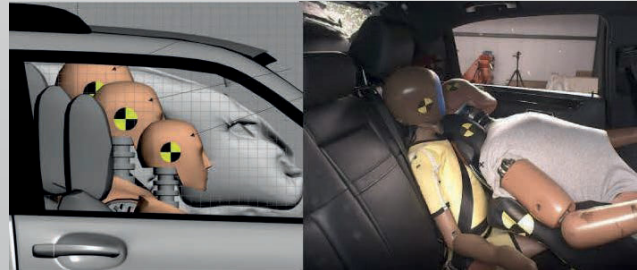
IS YOUR CASE AT A RECOVERY DEAD-END?

Maybe not because you may have a **CRASHWORTHINESS** case.



Crashworthiness

focuses on how the vehicle's safety systems performed, not who caused the accident. At my firm's Crash Lab, we continually study vehicle safety through engineering, biomechanics, physics, testing and innovation.



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DIGITAL BAR BULLETIN



State Bar of
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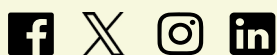
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www.sbnm.org



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About Cover Image and Artist: Jonathan Miller has been a member of the State Bar of New Mexico since 1988. While based in Albuquerque, he travels all over New Mexico and has appeared in every judicial district. Jonathan is a graduate of Albuquerque Academy, Cornell University and the University of Colorado law school. He does have an MFA through the American Film Institute. He recently took his first professional photography class through Cornell's online program. His photos have been displayed on Facebook, Instagram and LinkedIn.

Please email notices desired for publication to notices@sbnm.org.

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

To view recent Supreme Court rule-making activity, visit the Court's website at <https://supremecourt.nmcourts.gov>. To view all New Mexico Rules Annotated, visit New Mexico OneSource at https://nmonesource.com/nmos/en/nav_date.do.

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has an extensive legal research collection of print and online resources. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe. Building hours: Monday-Friday 8 a.m.-5 p.m. (MT). Library Hours: Monday-Friday 8 a.m.-noon and 1-5 p.m. (MT). For more information call: 505-827-4850, email: libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

New Mexico Administrative Office of the Courts Seeks Input on Accessibility

The New Mexico Administrative Office of the Courts ("AOC") is undertaking a comprehensive evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access across the New Mexico State Judiciary. The AOC is contracting with Altura Solutions to assist with the creation of the Americans with Disabilities Act ("ADA") Transition Plan. The team will evaluate all 13 Districts of the Judiciary including Magistrate Courts, Supreme Court and Court of Appeals. This initiative underscores a dedication to ensuring equal access and opportunities for all residents regardless of ability and marks a significant milestone in the journey toward a more inclusive judiciary. Please complete the online survey currently available to capture your experiences and provide helpful prioritization preferences in regards to programs and facilities of the Judiciary here: <https://www.accessforall-nmcourts.com/community-survey>. A public meeting to discuss accessibility in the New Mexico Judiciary buildings and programs will be held

Professionalism Tip

With respect to the courts and other tribunals:

I will voluntarily withdraw claims or defenses when they are superfluous or to resolve litigation.

on April 15 at 5 p.m. (MT) at the Southside Public Library in Santa Fe, N.M., located at 6599 Jaguar Dr., Santa Fe, N.M. 87507.

First Judicial District Court Judicial Nominating Commission Announcement of Vacancy

A vacancy on the First Judicial District Court will exist as of June 1 due to the retirement of the Hon. Mary Marlowe Sommer effective May 31. Applications for the vacancy may be obtained from the Judicial Selection website at <https://lawschool.unm.edu/judsel/application.html>, or they may be emailed directly by contacting the Judicial Selection Office at akin@law.unm.edu. The deadline for applications is April 18 at 5 p.m. (MT). The First Judicial District Court Nominating Commission will meet on May 13 to interview applicants for the First Judicial District Court located at 225 Montezuma Ave., Santa Fe, N.M.

Second Judicial District Court Notice of Reassignment of Cases

Pursuant to Rule 5-106, NMRA, the Second Judicial District Clerk of Court hereby serves notice that, effective March 15, Division II cases have been assigned to the Hon. Matthew Chavez. Individual notices of judge reassignment will be sent to attorneys in active cases. A list of inactive case reassignments will be emailed to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar, in lieu of individual notices of reassignment. An email notification regarding the reassignment of probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar.

STATE BAR NEWS

2025 State Bar of New Mexico Annual Awards Call for Nominations

Nominations are being accepted for the 2025 Annual Awards to recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar or legal profession in the past year. The awards will be presented at the 2025 Annual Meeting on Thurs., July 31, at Sandia Resort & Casino in Albuquerque, NM. For additional information and to submit a nomination through Jotform, please visit <https://bit.ly/SBNM-AnnualAwards>.

Board of Bar Commissioners Appointment to Civil Legal Services Commission

Pursuant to NMSA 1978, § 34-14-1 (2001), the Board of Bar Commissioners will make one appointment to the Civil Legal Services Commission for a three-year term. Applicants must be licensed to practice law in New Mexico and must have experience with civil legal matters affecting low-income persons. Attorneys who wish to apply to serve on the commission should send a letter of interest and brief resume by May 5 to bbc@sbnm.org.

Appointment of Young Lawyer Delegate to ABA House of Delegates

Pursuant to the American Bar Association Constitution and Bylaws (Rules of the Procedure House of Delegates) Article 6, Section 6.4, the Board of Bar Commissioners will make one appointment of a young lawyer delegate to the American Bar Association (ABA) House of Delegates for a two-year term, which will commence at the conclusion of the 2025 ABA Annual Meeting and expire at the conclusion of the 2027 ABA Annual Meeting. Members

Notices

wishing to serve as the young lawyer delegate to the ABA HOD must have been admitted to the practice of law in any state for ten (10) years or less; they must also be a licensed New Mexico attorney and a current ABA member in good standing throughout the tenure as a delegate and be willing to attend meetings or otherwise complete his/her term and responsibilities without reimbursement or compensation from the State Bar; however, the ABA provides reimbursement for expenses to attend the ABA mid-year meeting. Qualified candidates should send a letter of interest and brief resume by May 5 to bbc@sbnm.org.

Committee on Diversity in the Legal Profession Call For Volunteers for the Bar Exam Coaching Program

The State Bar of New Mexico's Committee on Diversity in the Legal Profession is proud to offer an inclusive coaching program for applicants from all diverse backgrounds taking the New Mexico Bar Exam. The program is designed to match an applicant with a committed attorney volunteer who will serve as a resource for the applicant. Coaches and applicants will communicate in person, via phone, e-mail, and/or virtual meeting during the applicant's bar preparation. Attorney volunteers will not be expected to teach applicants substantive law. To volunteer or to learn more, contact State Bar of New Mexico Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.

Historical Committee Invitation to Presentation by Senator Jeff Bingaman on May 2

The Historical Committee of the State Bar of New Mexico is proud to announce a presentation by Senator Jeff Bingaman at noon (MT) on May 2 at the State Bar Center located at 5121 Masthead St. NE, Albuquerque, N.M. 87109. Lunch will be provided. Senator Bingaman will speak on his book *Breakdown: Lessons for a Congress in Crisis*. Seating is extremely limited, please register to attend the presentation in-person at <https://form.jotform.com/sbnm/historical-committee>.

The presentation will also be livestreamed through Zoom at <https://bit.ly/Historical-Committee-5-2-25-Presentation>. Meeting ID: 895 6449 8694. Passcode: 881959.

Save the Date for the State Bar of New Mexico's 2025 Annual Meeting

The State Bar of New Mexico's 2025 Annual Meeting will take place at Sandia Resort & Casino in Albuquerque, N.M. from July 31 through Aug. 2. This year's keynote speaker is Bryan Stevenson, the author of the New York Times' bestselling book *Just Mercy* and a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Book your hotel room at the special discounted rate of only \$229 per night by July 14 at <https://bit.ly/2025-Annual-Meeting-Hotel-Room-Reservation>. Annual Meeting registration will be opening in May at <https://bit.ly/SBNM-AnnualMeeting2025>.

New Mexico Lawyer Assistance Program Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. (MT) on Mondays by Zoom. This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues and to know you are not in this alone. Join the meeting via Zoom at <https://bit.ly/attorneysupportgroup>.

New Mexico State Bar Foundation Pro Bono Opportunities

The New Mexico State Bar Foundation and its partner legal organizations gratefully welcome attorneys and paralegals to volunteer to provide pro bono service to underserved populations in New Mexico. For more information on how you can help New Mexican residents through legal service, please visit <https://bit.ly/SBNM-Pro-Bono>.

Featured **Member Benefit**



Clio is the world's leading provider of cloud-based legal technology, trusted by 150,000 legal professionals in 150+ countries. As the industry's only end-to-end software solution, Clio centralizes client intake, case management, document automation, payments, accounting and more—powered by AI on its unified platform. Recognized by 100+ bar associations and law societies globally, Clio has the most 5-star reviews of any legal practice management software.

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*Clio is a legal technology solution recommended by the State Bar of New Mexico. Licensees of the State Bar of New Mexico receive a 10% discount on Clio products, excluding Clio Draft.

Paralegal Division 2024 Paralegal Division Survey Summary and Final Report

The State Bar of New Mexico's Paralegal Division conducted a survey in late 2024 of its members and other legal staff and collected statistical and practical information relating to salaries, benefits and utilization of paralegals within the legal community in order to better understand the economics of paralegal employment in New Mexico. For a quick overview of the results, see the link below for a summary. For the details, visit <https://bit.ly/2024-Paralegal-Division-Survey-Summary>. If you have any questions or need further information about the survey, please contact the Division at pd@sbnm.org.

UNM SCHOOL OF LAW Invitation to the Alumni/ae Association Law Scholarship Golf Classic

Join the UNM School of Law for the Alumni/ae Association Law Scholarship Golf Classic presented by Nusenda Credit Union on June 6 at the UNM Championship Golf Course! This tournament raises funds for law student scholarships. To register for the tournament, email lynn.taylor@law.unm.edu or register online at <https://bit.ly/UNM-School-of-Law-Golf-Classic>.

Law Library Hours

The Law Library is happy to assist attorneys via chat, email, or in person by appointment from 8 a.m. to 6 p.m. (MT) Monday through Friday. Though the Library no longer has community computers for visitors to use, if you bring your own device when you visit, you will be able to access many of our online resources. For more information, please see lawlibrary.unm.edu.

OTHER NEWS Legal Services Corporation Notice of Grant Funds Available for Calendar Year 2026

The Legal Services Corporation (LSC) announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2026. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The list of service areas (and their descriptions) where grant opportunities are open are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/2026-service-areas-subject-competition>. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be published at <https://bit.ly/LSC-Basic-Field-Grantee-Resources> on or around April 15. Applicants must file a Pre-Application and the grant application through GrantEase: LSC's grants manage-

ment system. Visit <https://bit.ly/LSC-Basic-Field-Grant> for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.





N.M. Legislative Council Service Legislative Research Library Hours

The Legislative Research Library at the Legislative Council Service is open to state agency staff, the legal community and the general public. We can assist you with locating documents related to the introduction and passage of legislation as well as reports to the legislature. Hours of operation are Monday through Friday, 8 a.m. to 5 p.m. (MT), with extended hours during legislative sessions. For more information and how to contact library staff, please visit https://www.nmlegis.gov/Legislative_Library.

WRITE ARTICLES for the Bar Bulletin!

The *Bar Bulletin* isn't just a place for information; it's a hub for discourse and perspectives on timely and relevant legal topics and cases! From A.I. and technology to family law and pro bono representation, we welcome you to send in articles on a variety of issues pertaining to New Mexico's legal community and beyond!

By publishing your work in the Bar Bulletin, you will:

-  • Increase your law firm or organization's visibility
-  • Have your article read by over 8,000 State Bar of New Mexico members
-  • Get a FREE shoutout on social media for your published submissions
-  • Gain recognition by your colleagues and peers for your contributions to the State Bar of New Mexico's official publication

For information on submission guidelines and how to submit your articles, please visit www.sbnm.org/submitarticle.

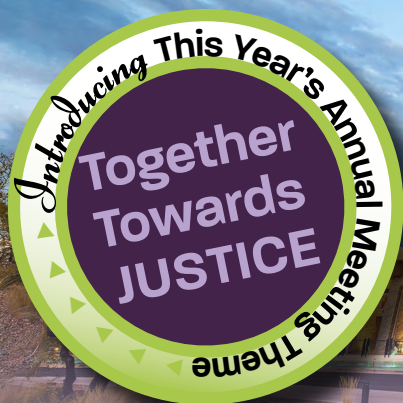


We look forward to your submissions!

STATE BAR OF NEW MEXICO 2025 Annual Meeting

July 31 – August 2
Sandia Resort & Casino
Albuquerque, New Mexico

*Save
the Date!*



**Book Your Hotel Room At The Special
Discounted Rate of Only \$229/night!**

Book your hotel room at the *exciting* Sandia Resort & Casino
by July 14 to receive the reduced Annual Meeting rate:
➔ <https://bit.ly/2025-Annual-Meeting-Hotel-Room-Reservation>

Or Call 877-272-9199 • 505-798-3930

Booking ID #12031

Event Registration Coming in May!

Featuring Keynote Speaker Bryan Stevenson!

BRYAN STEVENSON is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated, and the condemned. Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative and author of the New York Times bestseller, *Just Mercy*.



More information and registration coming soon!

www.sbnm.org/AnnualMeeting2025



State Bar of
New Mexico

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CLE PLANNER

Your Guide to Continuing Legal Education

Need to Know....

Center for Legal Education course registration fees go to support the important efforts of the **New Mexico State Bar Foundation**:

- Legal Resources for the Elderly Program
- Modest Means Helpline
- Legal Education for Attorneys
- *And more*



Inside this Issue

- ▶ How to Practice Series
- ▶ Annual CLE Programs – Save the Dates
- ▶ On-Demand Library
- ▶ Save with the Annual Pass
- ▶ April/May Programs



New Mexico State Bar Foundation
Center for Legal Education

The Center for Legal Education is a non-profit New Mexico accredited CLE course provider dedicated to providing high-quality, affordable educational programs to the legal community. The Center offers a full range of educational services. For more information, contact us or visit us online.



LinkedIn

▶ Register online at <https://cle.sbnm.org> or call 505-797-6020



The **How to Practice Series**, presented by the New Mexico State Bar Foundation's Center for Legal Education and the State Bar of New Mexico's Professional Development Program, is designed to provide the fundamental knowledge necessary to practice a particular area of law.

The Center for Legal Education has launched a new section on its website that centralizes the **How to Practice Series**.

Now available for self-study are:

► **How to Practice: Family Law**

► **How to Practice: Estate Planning**

Save-the-Date: October 8, 2025

► **How to Practice: Adult Guardianship**

More details coming soon!



Watch for more
How to Practice
courses coming soon!

Click **HERE** to view and register for on-demand
How to Practice Series courses!

State Bar Committee, Section, and Division Annual CLE Programs

Save the Date!

Join the Center for Legal Education, in collaboration with various Committees, Sections, and Divisions of the State Bar of New Mexico, for their Annual CLE Programs

- September 5 – ***Solo and Small Firm Institute***
- September 11 – ***Employment Law Institute***
- September 17 – ***Elder Law Institute***
- September 19 – ***Appellate Practice Institute***
- September 20 – ***Paralegal Division Institute***
- September 26 – ***Fall Family Law Institute***
- October 3 – ***Health Law Institute***
- October 9 – ***Procurement Code Institute***
- October 15 – ***Alternative Dispute Resolution Institute***
- November 6 – ***Indian Law Institute***
- November 7 – ***Annual Diversity in the Legal Profession Symposium***
- November 13 – ***Probate Institute***
- November 19 – ***Business Law Institute***
- November 20 – ***Immigration Law Institute***
- December 4 – ***Cannabis Law Institute***
- December 5 – ***Guardian ad Litem Institute***
- December 12 – ***Natural Resources, Energy, and Environmental Law Institute***
- January 23, 2026 – ***5th Annual Women in the Law Symposium***





Our On-Demand/ Self-Study Library is growing...

The Cap on Self-Study Credits is Lifted:

Now all 12 required MCLE credits may be Self-Study, Virtual or In-Person credits. There is no longer a 4.0-credit cap on Self-Study courses; however, only pre-approved Self-Study courses are allowed.

For more details, read Rule 18-204(C) NMRA.

For Center for Legal Education pre-approved Self-Study courses, visit our On-Demand/Self-Study library at:

<https://cle.sbnm.org/pages/>



*New
courses will
be added
frequently!*

ANNUAL 2025 PASS

Pre-pay 12 credits for only \$485

Credits must be redeemed by:
Dec. 31, 2025

Contact us for more info:
cleonline@sbnm.org

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**New Mexico State Bar Foundation
Center for Legal Education**

Redeemable on Center for Legal Education courses only.

Exclusions: No teleseminar or other third-party content. No refunds or roll-over of unused credits.

*Lock in
YOUR
savings!*

April/May Programs

April 10

**Ethics in the Age of AI:
Navigating the Legal Landscape
with ChatGPT**

1.0 EP

11 a.m.–Noon

WEBINAR

April 16

**'I've Got a Secret.' The Broad
Reach of Attorneys' Duties of
Confidentiality**

1.0 EP

Noon–1 p.m.

WEBINAR

April 16

Impeach Justice Douglas!

3.0 EP

11 a.m.–2:15 p.m.

WEBINAR

April 17

**Take Ethical Security
Precautions with Email: When
and How to Encrypt**

1.0 EP

11 a.m.–Noon

WEBINAR

April 22

**Courtroom Technology and the
Visual Trial: The Rust Shooting**

1.0 G

11 a.m.–Noon

WEBINAR

April 24

**Practical Tips & Strategies to
Combat Implicit Biases in Law
Firms and Society**

1.0 EIJ

11 a.m.–Noon

WEBINAR

April 25

**Spring Family Law Institute:
Essential Practices for Custody
Practitioners**

6.0 G

8:45 a.m.–4:30 p.m.

IN-PERSON AND WEBINAR

April 29

**The Rule of Law, Federal Action,
and Balance of Powers**

1.0 G

Noon–1 p.m.

IN-PERSON AND WEBINAR

April 29

**Ethics, Juror Misconduct, and
Jury Tampering: The Murdaugh
Motion for New Trial**

2.0 EP

11 a.m.–1 p.m.

WEBINAR

April 30

**Killers of the Flower Moon:
The Osage Murders and How
Attorneys Can Combat Bias**

1.0 EIJ

11 a.m.–Noon

WEBINAR

May 8

**Retirement or Reworkment:
Crafting Your Successful 'Next
Chapter'**

2.0 EP

2–4:45 p.m.

IN-PERSON AND WEBINAR

May 14

**Clarence Darrow: Crimes,
Causes, and the Courtroom**

3.0 EP

11 a.m.–2:15 p.m.

WEBINAR

May 15

**The AI Edge: Enhancing Legal
Practice with ChatGPT**

1.0 G

11 a.m.–Noon

WEBINAR

May 21

**Learning Legal Ethics From the
Lincoln Lawyer: Season 2**

1.0 EP

11 a.m.–Noon

WEBINAR

May 22

**Discovering Implicit Biases in
Jury Selection**

1.0 EIJ

11 a.m.–Noon

WEBINAR

May 30

**Cross Discipline: Building
Cross-Examination Skills with
Practical Improv Techniques**

1.5 G

11 a.m.–12:30 p.m.

WEBINAR

CLE Registration

Ways to Register:

➤ Online: <https://cle.sbnm.org> ☎ Phone: 505-797-6020 @ Email: cleonline@sbnm.org

REGISTER EARLY! Advance registration is recommended. Online registration closes one day ahead of each program. **CLE Cancellations & Refunds:** We understand that plans change. If you find you can no longer attend a program, please contact the Center for Legal Education. We are happy to assist you by transferring your registration to a future CLE event or providing a refund. **MCLE Credit Information:** The NM State Bar Foundation's Center for Legal Education is an accredited CLE course provider. **Note: Programs subject to change without notice.**

cleonline@sbnm.org • <https://cle.sbnm.org> • 505-797-6020

5121 Masthead NE, Albuquerque, NM 87109 • PO Box 92860, Albuquerque, NM 87199



*Check our website for
more updates to our
program schedule!*



Legal Education Calendar

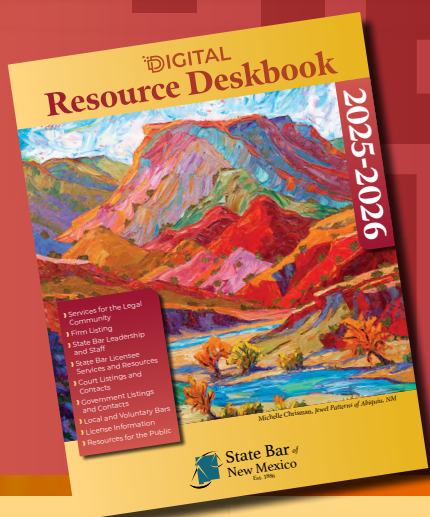
April

- | | | |
|--|---|--|
| <p>10 Ethics in the Age of AI: Navigating the Legal Landscape with ChatGPT
1.0 EP
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-Ethics-in-the-Age-of-AI</p> | <p>17 Take Ethical Security Precautions with Email: When and How to Encrypt
1.0 EP
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-When-And-How-To-Encrypt</p> | <p>25 Spring Family Law Institute: Essential Practices for Custody Practitioners
6.0 G
In-Person or Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-2025-Spring-Family-Law-Institute</p> |
| <p>11 44th Annual Update on NM Tort Law
6.0 G
Live Program
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>22 Courtroom Technology and the Visual Trial: The Rust Shooting
1.0 G
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-The-Rust-Shooting</p> | <p>29 The Rule of Law, Federal Action, and Balance of Powers
1.0 G
In-Person or Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-The-Rule-of-Law</p> |
| <p>15 Parental Alienation: Debunking Misinformation in Family Courts
1.0 G
Web Cast (Live Credits)
Third Judicial District Court
thirddistrict.nmcourts.gov</p> | <p>24 Practical Tips & Strategies To Combat Implicit Biases In Law Firms and Society
1.0 EIJ
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-Practical-Tips-And-Strategies</p> | <p>29 Ethics, Juror Misconduct, and Jury Tampering: The Murdaugh Motion For New Trial
2.0 EP
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-The-Murdaugh-Motion-For-New-Trial</p> |
| <p>16 “I’ve Got a Secret.” The Broad Reach of Attorneys’ Duties of Confidentiality
1.0 EP
Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-Duties-of-Confidentiality</p> | <p>24 Twenty Second National Mitigation Seminar
17.0 G, 1.0 EP
Live Program
Administrative Office of the US Courts
www.uscourts.gov</p> | <p>30 Killers of the Flower Moon: The Osage Murders and How Attorneys Can Combat Bias
1.0 EIJ
Webinar
Center for Legal Education of NMSBF
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| <p>16 Impeach Justice Douglas!
3.0 EP
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Live Program
UNM School of Law
lawschool.unm.edu</p> | |

May

- | | | |
|--|---|--|
| <p>5 May Hearing Panels
4.0 G
Webinar
NM Medical Review Commission
www.nmms.org</p> | <p>8 Retirement or Reworkment: Crafting Your Successful ‘Next Chapter’
2.0 EP
In-Person or Webinar
Center for Legal Education of NMSBF
https://bit.ly/CLE-Retirement-or-Reworkment</p> | <p>14 2025 Continuing Legal Education and Training Program
11.0 G, 2.0 EP
Live Program
United States Court of Appeals for the Armed Forces
armfor.uscourts.gov/</p> |
|--|---|--|

Listings in the *Bar Bulletin* Legal Education Calendar are derived from course provider submissions and from New Mexico Minimum Continuing Legal Education. All MCLE approved continuing legal education courses can be listed free of charge. Send submissions to notices@sbnm.org. Include course title, credits, location/course type, course provider and registration instructions. For a full list of MCLE-approved courses, visit <https://www.sbnm.org/Search-For-Courses>.



The Digital Resource Deskbook 2025-2026 is Here!

View & Download your FREE digital copy at
[www.sbnm.org/Resource-Deskbook-2025-2026!](http://www.sbnm.org/Resource-Deskbook-2025-2026)

All active State Bar of New Mexico licensees were emailed a **FREE** digital copy of the ***Resource Deskbook 2025-2026*** as a member benefit on March 28.

View and download the comprehensive guide for State Bar of New Mexico resources for our licensees, New Mexico State and Federal Court information, License Renewal information and much more at **[www.sbnm.org/Resource-Deskbook-2025-2026!](http://www.sbnm.org/Resource-Deskbook-2025-2026)**



The convenient downloadable digital format will allow you to easily click through the sections of the ***Resource Deskbook*** to find the information that you need – whether you are working at your desk or on the go!

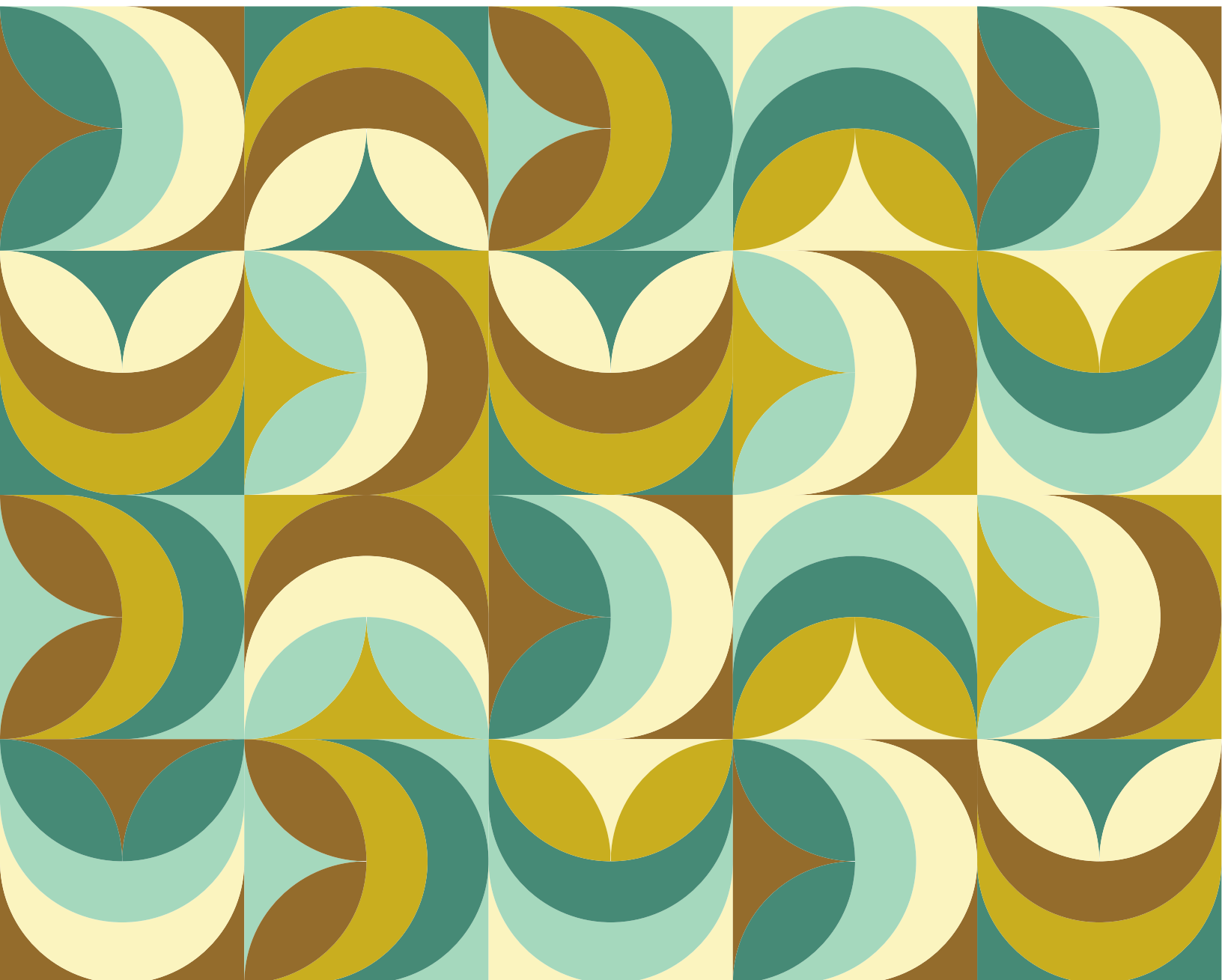
Please note that the *Resource Deskbook* will not be printed and mailed this year.



State Bar *of*
New Mexico

Est. 1886

New Mexico State Bar Foundation **2025 Board of Directors**



New Mexico
State Bar Foundation

2025 Officers



PRESIDENT

Stefanie K. Davis

202-295-1563 • skd@georgetown.edu

Stefanie K. Davis is the Deputy General Counsel for Administrative Law and Regulatory Practice and Ethics Officer in the Office of Legal Affairs (OLA) at the Legal Services Corporation (LSC). Her portfolio includes supervising OLA's regulatory drafting and statutory interpretation practice, managing OLA's Graduate Law Fellow and internal training programs, and coordinating the work of LSC's Opioid and Veterans Task Forces. She is the author of the first-ever chapter on access to justice in the recently published ABA Guide to Federal Agency Adjudication 3d Ed. (Jeremy S. Graboyes ed., 2023) and a regular speaker on both access to justice and the opioid epidemic. She joined LSC in 2013 from the Office of the General Counsel at the U.S. Department of Health and Human Services. She began her legal career at the Washington Legal Clinic for the Homeless in Washington, DC.

Ms. Davis is licensed to practice law in New Mexico, the District of Columbia, and Maryland. She is a 2002 graduate of Georgetown University Law Center and a 1997 graduate, magna cum laude, of the University of New Mexico. She was born and raised in Gallup and now lives in Albuquerque with her husband, seven-year-old son, and Akita dog.



PRESIDENT-ELECT

Elizabeth J. Travis

505-216-6399 • ejtravislaw@gmail.com

Elizabeth J. Travis is a solo practitioner providing services in the 1st Judicial District as a neutral, settlement facilitator and mediator, and as counsel for various civil clients including small business, non-profits and boards. Prior to returning to her solo practice, Ms. Travis served as a deputy general counsel with the New Mexico Department of Transportation, with primary focus on the Department's construction, operations and finance organizations, a practice which included construction, water, public finance and procurement, and contract law. Prior to working for the State, Liz served as an assistant county attorney for Santa Fe County. In addition to her role on the BBC, Ms. Travis serves on the State Bar Foundation Board, the State Bar's Ethics Advisory Committee and ADR Committee, and on the Supreme Court's Disciplinary Board and Client Protection Fund Committee. She is an active member of the ABA, participating in the dispute resolution and professional responsibility sections and the construction industry forum. Liz is licensed to practice in state and federal court in New Mexico and California.



SECRETARY-TREASURER

Mitchell L. Mender

575-265-5333 • mitch@larsenandmender.com

Mitchell L. Mender is a founding partner of The Law Offices of Larsen and Mender P.C., located in Clovis, N.M. His practice focuses primarily on criminal law, family law, and personal injury. Mitch is a graduate of Brigham Young University. He graduated from Vermont Law School in their accelerated Juris Doctorate program. He started his career as a prosecutor with the Ninth Judicial District Attorney's Office, where he was awarded prosecutor of the year for the District in 2018 and 2019. Subsequently, he worked at the New Mexico Law Offices of the Public Defender where he represented indigent clients. Additionally, he sits on the Board of Directors for the Hartley House, the local domestic violence shelter. He and his wife, Robyn, enjoy traveling and spending time with their three children.



IMMEDIATE PAST PRESIDENT

Gerald G. Dixon

505-244-3890 • jdixon@dsc-law.com

Jerry Dixon is a shareholder at Dixon•Scholl•Carrillo•P.A. and practices in the areas of professional malpractice defense, licensing, commercial and construction litigation and real estate. He is a frequent speaker to professionals on ethics, professional liability and risk management issues. Jerry is admitted to practice law in Colorado and New Mexico. He attended Texas Tech University (BBA 1977, JD 1981). Jerry was President of the Albuquerque Bar Association in 1994 and the State Bar of New Mexico in 2019. He has served as a Trustee for the Texas Tech School of Law Foundation since 2005. Jerry was named Outstanding Attorney of the Year by the Albuquerque Bar Association in 2014 and received the 2014 Distinguished Service Award from Texas Tech School of Law. He provides pro bono services through New Mexico Christian Legal Aid. Jerry was a Visiting Professor of Law in 2012 at the University of National and World Economy in Sofia, Bulgaria and in 2015 at South-West University in Blagoevgrad, Bulgaria.

Commission Directors



Allison H. Block-Chavez

505-266-8787 • ablockchavez@abqlawnm.com

Allison H. Block-Chavez is partner and attorney at Aldridge, Hammar & Wexler, PA, in Albuquerque, where her law practice focuses on fiduciary services, adult guardianships and conservatorships, estate planning, and probate matters, real estate, and creditors' rights. Allison previously served as the Chair of the Young Lawyers Division of the State Bar of New Mexico and as the young lawyer delegate to the ABA House of Delegates. She graduated from the University of New Mexico School of Law and served as the judicial law clerk for Chief Judge Michael E. Vigil of the New Mexico Court of Appeals. In her spare time, Allison and her husband Mo try to keep up with their twin toddlers.



Hon. Carl J. Butkus (ret.)

505-975-5001 • carlbutkus@comcast.net

Retired Judge **Carl J. Butkus** is a graduate of the University of Pennsylvania (1971) and the Gonzaga U. School of Law (1977). He was appointed District Judge in the Second Judicial District in 2005 and retired at the end of 2020. He was selected as the 2015 State District Court Judge of the Year by the New Mexico Chapter of the American Board of Trial Advocates. Prior to that, he was in the private practice of law state-wide from 1978-2005. From 1977-78, he was law clerk to Hon. William R. Hendley of the Court of Appeals of New Mexico. Among other things, he has been Chair of the New Mexico Supreme Court Rules of Civil Procedure Committee, President of the H. Vearle Payne Inn of Court, Member of the State Bar Civil Justice Reform Committee and State Bar Liaison to the Federal Judicial Conference. He was elected to the National Conference of Bar Foundations Board last year for a three-year term.



Sean M. FitzPatrick

505-400-0420 • sfitzpatrick@fitzpatricklawllc.com

After working for a few years as a prosecutor litigating felony and misdemeanor cases, **Sean FitzPatrick** started his firm FitzPatrick Law, LLC in 2016. FitzPatrick's current practice area is civil litigation focusing on insurance and injury law. FitzPatrick served on the Young Lawyers Division board for years as director and chair prior to his current term on the BBC. FitzPatrick is also the current Co-Chair of the New Mexico State Bar Well Being committee. He believes a healthy work life balance makes better lawyers and you can find FitzPatrick running, biking, or participating in other type 2 fun activities with his wife Eva and their son Liam when not practicing law.



Lucy H. Sinkular

505-210-7441 • lucy@ahm.law

Originally from Nebraska, **Lucy Sinkular** was admitted to the practice of law in New Mexico in 1994. Lucy is Of Counsel at the law firm of Ashton Horton Mullins, PC where she limits her practice to family law matters. Lucy's extensive experience in family law includes representing clients in high asset divorces, divorce and custody issues in military families, the valuation and division of pensions, and relocation custody cases. Lucy also represents clients in kinship guardianship and adoption matters. Lucy is an active member of the Family Law Section's board of directors and has served as their secretary the last three years. Lucy is trained in Collaborative Law and works as a settlement facilitator and a guardian ad litem. Lucy frequently volunteers at pro bono law fairs and clinics across the state. Lucy's passions outside the practice of law include dispersed camping in the mountains, hiking, and cycling. Lucy and her husband, Scott, are the parents of two: a daughter concluding her PhD at Virginia Tech in Fish and Wildlife and a son who is a CPA in Albuquerque. Two very spoiled dogs round out the Sinkular household.

At-large Director (Public Member)



Stephanie Wagner

505-250-3193 • steramirez@hotmail.com

Stephanie Wagner is the AVP of Business Development for Nusenda Credit Union. She oversees a team of eight team members that focus on providing free financial education, financial tools and resources, and support to businesses and organizations throughout New Mexico. Stephanie's background is in Communications, Business Development and she has worked in the non-profit sector for over 15 years. Stephanie's relationship with the State Bar of New Mexico began in 2016 when she was the Director of Development and oversaw all fundraising efforts. She has continued to be part of the Bar Foundation's board and continues to have strong relationships with the legal community. Stephanie enjoys spending time with her husband Mike and seven-year-old daughter Emma.

State Bar of New Mexico Client Protection Fund

2024 Annual Report

*Presented to the
Supreme Court of New Mexico
and the State Bar of New Mexico
Board of Bar Commissioners*

Full report available at www.sbnm.org/CPF



State Bar of New Mexico
Client Protection Fund

2024 Commission

Tonya Herring
Chair
Scotty Holloman
Vice-Chair

Mick Gutierrez
Secretary/Treasurer

Ex Officio Members

Richard B. Spinello
Stormy Ralstin



State Bar of New Mexico Client Protection Fund

Commissioners

Don Anque
Allison Block-Chavez
Andrew Cloutier
Sally Galanter
James Reist
Hon. Linda Vanzi

Commission Liaison
Anne L. Taylor

February 13, 2025

Dear Colleagues,

I appreciated the opportunity to serve as the 2024 Chair of the Client Protection Fund Commission. This 2024 Annual Report and previous annual reports describe the Commission's history and purpose, which is to promote public confidence in the administration of justice and the integrity and competence of attorneys admitted and licensed to practice law in New Mexico.

To achieve this goal, claims are assigned to a Commissioner, who reviews and investigates the claim to determine if the claim meets the requirements for reimbursement from the Client Protection Commission Fund. The Commissioner writes a Recommendation denying, or approving the claim in whole or in part, up to a cap of fifty thousand dollars (\$50,000). The Recommendation is then voted on by the full Commission.

This year the Commission saw a significant increase in the number of claims and the amount of money paid out to clients who suffered financial losses due to the dishonest conduct of a New Mexico attorney. In 2024, the nineteenth full year of the Commission's operation, Commissioners approved twenty-nine (29) claims in whole or in part and denied thirteen (13) claims. The total amount of claims approved and paid was \$203,671.92. Of the twenty-nine (29) claims approved, twenty-six (26) of the claims were against one attorney.

The Commission has made considerable progress related to its goal to promote public confidence in the integrity of the profession. In April 2024, the Commission hired a paralegal, Febely Ibarra, to assist the Commissioners with reviewing and investigating claims, as well as organizing meetings, preparing agendas, drafting minutes, and numerous other duties. The Commissioners and I want to thank Ms. Ibarra for her support, her professionalism, and diligent efforts to further the Commission's mission.

In addition, the Commission is currently collaborating with the Bernalillo County District Attorney's office to pursue legal action against attorneys who have caused monetary losses to clients as a result of their dishonest conduct. The Commission hopes this will remind all New Mexico attorneys of their ethical and professional duty to comply with the rules regarding trust accounting, retainers, and unearned fees.

Thank you to all the Commissioners for their dedication and service in furthering the Commission's goals, with special thanks to Commissioners James Reist and Sally Galanter, whose terms expired in December 2024, but who energetically and expertly served the Commission for several years, including as Chairs in 2021 and 2023, respectively. Thank you also to Mick Gutierrez who continued to faithfully serve the Commission under trying circumstances. On behalf of all Commissioners, I thank the New Mexico State Bar and Disciplinary Board staff, who are essential to the Commission's work and success.

Finally, it is with great sorrow that we note the recent passing of David Powell, the State Bar's Director of Finance. We thank David for his efficiency, expertise, and professionalism in managing the Commission's accounting and financial affairs. He will be sorely missed.

Sincerely,

Tonya Noonan Herring

Tonya Noonan Herring
2024 Chair



2440 Louisiana Blvd. NE, Ste 280
Albuquerque, NM 87110



(505) 842-5781
Fax (505) 766-6833



info@sbnm.org
www.sbnm.org

Introduction



History and Purpose

The purpose of the Client Protection Fund (CPF) is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of this jurisdiction. The Client Protection Fund Commission was established by order of the New Mexico Supreme Court effective Dec. 13, 2005, as a permanent commission of the State Bar of New Mexico Board of Bar Commissioners. The Supreme Court adopted a modified version of the American Bar Association's model rules for client protection funds and codified them at Rules 17A-001 *et seq.* of the New Mexico Rules Annotated. The Commission oversees the CPF and is charged with receiving, holding, managing, and disbursing money from the Fund according to the rules. The State Bar is responsible for administering the Commission, developing and approving the budget, and managing operations and staffing. Since January 1, 2014, the New Mexico Disciplinary Board has assisted in the technical administration of the Commission's tasks, including the processing of claims under the Commission's direction.

Revenues

The initial resources for the Fund were provided in 2005 by a Supreme Court order transferring funds from accumulated fines against lawyers who failed to comply with the Court's Minimum Continuing Legal Education requirements. In 2008 the Supreme Court ordered an additional transfer of funds from MCLE to the Fund. In 2009 the Supreme Court ordered a \$15 annual assessment of every active New Mexico attorney pursuant to Rule 17A-003 (B) NMRA. In 2010, 2012, 2016, and 2018 additional monies were also transferred from MCLE to the Fund by Supreme Court Orders. The State Bar provides in-kind support to the Fund and the Commission through staff support, office and meeting space, and fiscal administration. (See 2024 Financial Information, page 10). From time to time, the Fund receives monies from court-ordered sanctions directed to the fund at the discretion of the judge.

Eligible Claims

To qualify for a reimbursement from the Fund, a client must have incurred a financial loss caused by the dishonest conduct of a New Mexico-licensed lawyer who was counseling, advising, or representing the client or serving in another fiduciary capacity such as a trustee. The claim must be filed no later than five years after the client knew or should have known of the lawyer's dishonest conduct. Dishonest conduct is specifically defined under the CPF rules as wrongful acts such as theft or embezzlement of money or the wrongful taking or conversion of money, property, or other things of value; e.g., failing to refund unearned fees or borrowing money from a client without the intention to repay or disregarding the lawyer's inability or reasonably anticipated inability to repay.

A typical CPF claim involves a lawyer who collected a retainer from a client, performed some legal work, and then became unable or unwilling to finish the work or refund the unearned amount.

The rules also include a hardship exception which allows the Commission, in cases of extreme hardship or special and unusual circumstances, to recognize a claim that was filed late or would not otherwise be reimbursable. This exception is rarely used. The maximum reimbursable amount was increased in 2012 from \$10,000 to \$20,000 per individual claim, and, effective January 1, 2016 from \$20,000 to \$50,000.

■ Processing a Claim


The claimant must complete a prescribed claim form. The claimant must provide a copy of any written agreement pertaining to the claim and copies of any checks, money orders, receipts, or other proof of payment. The claimant is responsible for completing the form and providing evidence of a reimbursable loss up to the maximum amount payable per claim.

The CPF gives notice of a claim to the lawyer against whom it is filed (or the lawyer's representative) and allows 20 days for a response. The Disciplinary Board is also notified of the claim. After the lawyer's response and other initial facts and documents are gathered, the claim is assigned to one of the CPF commissioners for investigation. The commissioner investigates and presents a recommendation to the full Commission. If appropriate under the circumstances, the recommendation includes the investigating commissioner's estimate of any amount that should be allowed as a credit against the claim for the value of work the lawyer performed or costs the lawyer properly paid with client funds. The approval or denial of a claim requires the affirmative votes of at least five commissioners.

The claimant and the lawyer are notified of the Commission's decision. Either party may request reconsideration in writing within 30 days of the denial or determination of the amount of a claim. If no request for reconsideration is received, the check for any approved reimbursement is sent after the notice period expires. If a timely request is received, the check for any approved reimbursement is sent after the Commission has reconsidered its decision. Rule 17A-013 NMRA provides that in either case the Commission's decision is final and there is no further right of appeal. Reimbursement is discretionary and no person has a legal right to reimbursement from the Fund. As part of the claim form, the claimant agrees to assign his/her claims against the lawyer to the fund in the event that the CPF makes a payment, and the CPF may pursue reimbursement and recovery from the lawyer or the lawyer's successor (e.g., an estate).



2024 Annual Report Highlights and Commission Activities



The Client Protection Fund Commission finished its nineteenth full year of operation in 2024 paying nearly \$203,671.92 in 29 claims against 4 lawyers. To date, the Commission has paid \$1,528,960.34 in cumulative reimbursements for clients' financial losses involving 87 lawyers. Year-by-year and cumulative statistics appear later in this report.

The Commission met 4 times in 2024, with Commissioners appearing in person and via Zoom. The 2024 National Client Protection Fund Forum in Denver was attended by 3 members of our Commission.

The Commission reminds everyone that Rule 17A-018(A) protects the confidentiality of information on claims, claimants, and respondent lawyers with exceptions for approved claims and other limited purposes as set forth below:

- A. Publicizing awarded claims. Claims, proceedings and reports involving claims for reimbursement are confidential until the commission authorizes reimbursement to the claimant, except as provided below, unless provided otherwise by law. After payment of the reimbursement, the commission shall publicize the nature of the claim, the amount of reimbursement, and the name of the lawyer. The name and the address of the claimant shall not be publicized by the commission unless specific permission has been granted by the claimant. The commission may provide a waiver to the claimant which authorizes disclosure.
- B. Exceptions. This rule shall not be construed to deny access to relevant information by the disciplinary board, other professional discipline agencies or other law enforcement authorities as the commission shall authorize, or the release of statistical information that does not disclose the identity of the lawyer or the parties, or the use of such information as is necessary to pursue the fund's subrogation rights under Rule 17A-015 NMRA.

**Visit the State Bar website at
www.sbnm.org/cpf
for further information on the
Client Protection Fund.**



State Bar of New Mexico
Client Protection Fund

2024 Claims and Respondent Lawyers

2024 Claims and Respondent Lawyers

As required by Rule 17A-018, the Commission reports that 29 claims resolved in 2024 resulted in payments to the complaining party as a result of the actions of 4 lawyers. The following table summarizes those payments.

2024 Summary of Claims Approved by Lawyer				
Lawyers	Lawyer's Status as of 12/31/2024	Claims Approved in 2024	Dollars Awarded in 2024	Reason
Donald Gilpin	Incapacitated	26	\$167,220.46	Unearned Fees
J. Wayne Griego	Active	1	\$5,531.37	Unearned Fees
Patrick Martinez	Active	1	\$22,125.00	Unearned Fees
Shannon Robinson	Disbarred	1	\$8,795.09	Unearned Fees
Claims paid on 4 lawyers	Total approved	29	\$203,671.92	

Annual Statistics 2006-2024

2006-2024 Annual Statistics

CLAIMS APPROVED	2006-2019	2020	2021	2022	2023	2024	TOTALS
Total number of claims approved in whole or in part	253	7	10	48	11	29	329
Total dollar amount of claims approved and paid (revised from prior annual reports after reconciliation of cumulative lawyer summary)	\$942,704	\$41,877	\$62,398	\$179,367.99	\$98,941.43	\$203,671.92	\$1,528,960.34
CLAIMS DENIED							
Total number of claims denied in whole or part	259	12	7	13	14	13	318
Total dollar amount of denials	\$1,601,702	\$277,192	\$149,624	\$259,099.28	\$145,128.38	\$124,916.79	\$2,557,662.45
Claims made over limit	20	0	1	2	0	1	24
Total amount denied over limit	\$290,638	0	\$51,000	0	0	\$57,875.00	\$399,513.00
Total amount denied for other reasons	\$1,311,064	\$277,192	\$98,624	\$259,099.28	\$145,128.38	\$67,041.79	\$2,158,149.45
CLAIMS PENDING AT END OF YEAR							
Claims undecided and carried over to next year	130	16	34	26	13	4	-----
Claim amount pending at end of year	\$919,450	\$205,821	\$347,744	\$183,792.42	\$345,931.37	\$98,950.00	-----
ATTORNEY STATISTICS							
Total number of attorneys with claims filed	249	14	20	27	26	19	-----
CONTRIBUTIONS/ SANCTIONS/ RESTITUTION	\$57,887.49	\$12,932.31	\$12,991.03	\$16,465.18	\$32,205.53	\$97,819.79	\$230,301.33



Full report available at
www.sbnm.org/CPF



State Bar of New Mexico
Client Protection Fund

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PO Box 92860, Albuquerque, NM 87199-2860

505-797-6093 • 800-876-6657

Fax: 505-828-3765

www.sbnm.org



Thank You!

Thank you to the 2024 Client Protection Fund Commissioners for their willingness to serve and their contributions in fulfilling the purpose of the Client Protection Fund Commission. The Commission's success would not be possible without the commitment and work of the Commissioners.

Chair Tonya Herring
Vice-Chair Scotty Holloman
Secretary/Treasurer Mick Gutierrez
Commissioner Don Anque
Commissioner Allison Block-Chavez
Commissioner Andrew Cloutier
Commissioner Sally Galanter
Commissioner James Reist
Commissioner Honorable Linda Vanzi

Also, thank you to **Chief Disciplinary Counsel Anne Taylor** and **Disciplinary Board Staff Tamma Williams** for assisting the Commission in completing its work. Their assistance has contributed immeasurably to the success of Commission.

If you are interested in serving on the Client Protection Fund Commission or other State Bar Committees/Commissions, please contact the State Bar of New Mexico at 505-797-6000.



State Bar of New Mexico
Client Protection Fund



Update on the Client Protection Fund

Bernalillo County District Attorney Sam Bregman announced that his office had obtained a felony indictment on December 20, 2024, against a former New Mexico attorney for misappropriating client funds. The attorney went on inactive status as of October 19, 2023.

The process of obtaining an indictment began with a referral to the DA's office from the New Mexico Client Protection Fund Commission. "As of October 31, 2024, the Fund Commission has awarded a total of \$165,020.46 to over 25 of the attorney's former clients where the Commission found that he dishonestly appropriated those clients' funds," reports Commission Chair Scotty Holloman. The Commission's immediate past Chair, Tonya Herring, described the cases as including "instances where settlement funds were paid into the attorney's trust account, the client never received payment, and there were no funds in the trust account."

Long time Commission member Linda Vanzi stated, "Over the past few years, the Commission has seen a dramatic increase in the number of cases in which attorneys have egregiously stolen client funds. Now, for the first time, we have a District Attorney who is willing to prosecute these cases. I think I speak for many past and present Commissioners when I express gratitude to Mr. Bregman and his office as well as Damon Ely, who volunteered to assist the Commission in helping deter such misconduct."

The New Mexico Supreme Court created the Client Protection Fund by order in December 2005. Since its inception it has paid 357 claims totaling over \$1.5 million after finding dishonest conduct by a New Mexico attorney. There have been 336 such attorneys whose conduct led to those awards.

¹ See Rule 17A-002 NMRA.



State Bar of New Mexico
Client Protection Fund



YOU'RE INVITED!



MON

STAY STRONG
Physical Well-Being

TUES

ALIGN
Spiritual Well-Being

WEDS

ENGAGE & GROW
Career & Intellectual Well-Being

THURS

CONNECT
Social Well-Being

FRI

FEEL WELL
Emotional Well-Being

WHAT IS IT?

Well-Being Week in Law (WWIL) started in May 2020 to align with Mental Health Awareness Month and encourage action and innovation to improve well-being across the profession all year round. Too many in the legal profession struggle with mental health and alcohol use disorders. Many others, while not dealing with a diagnosable illness, still are not fully well. Getting involved with WWIL can help make a difference.

2025 THEME.

This year's overall theme is **The Social Rx: Boosting Well-Being with Connection**. High-quality relationships and group belonging are chief sources of well-being. From decades of research that reflects this conclusion, we pulled some highlights that are available [here](#). What the research tells us is that social connection can bolster all well-being dimensions—including physical, spiritual, career and intellectual, social, and emotional well-being.

This week, we encourage you to actively engage in well-being experiments and activities and to recruit others to support your efforts. High-quality social support makes it more likely that you'll all achieve your well-being goals and is itself a well-being booster.



WHEN IS IT?

May 5-9, 2025. The month of May is Mental Health Awareness Month.

MAY

				01	02	03	
04	05	06	07	08	09	10	
11	12	13	14	15	16	17	
18	19	20	21	22	23	24	
25	26	27	28	29	30		

HOW CAN I GET INVOLVED?

The WWIL team of volunteers has been working hard to make it easy for you to get involved. Visit the WWIL website for everything you need to know to join an event or organize your own activities:

1. It's simple (and free) to [register for Well-Being Week in Law](#) to be entered into a raffle to win prizes.
2. Sign up for a webinar.
3. Download a Participation or Activity Guide, resources, and tools.
4. Engage in daily "social well-being prescriptions" that help you take small steps toward greater well-being.

Questions? Email WWIL Co-Chairs, Anne Brafford, ambrafford@gmail.com, and Tara Antonipillai, Tara@lawyerwellbeing.net

504-IWL-WWIL-2025

Opportunities for Pro Bono Service

CALENDAR

May

- | | | |
|--|---|--|
| <p>7 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> | <p>9 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To sign up, call 505-841-9817
Location: Virtual</p> | <p>13 Economic Justice Workshop
Walk-In
New Mexico Immigrant Law Center
To sign up, call 505-247-1023
Location: Albuquerque, NM</p> |
| <p>14 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>20 San Juan County Teleclinic
In-Person
San Juan County
To sign up, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic. An attorney will call back between 2:30 p.m. and 5 p.m. that same day.
Location: San Juan County</p> | <p>21 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> |

If you would like to volunteer for pro bono service at one of the above events, please contact the hosting agency.

Resources for the Public

CALENDAR

May

- | | | |
|---|--|--|
| <p>7 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual</p> | <p>7 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> | <p>9 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To sign up, call 505-841-9817
Location: Virtual</p> |
| <p>13 Legal Resources for the Elderly Workshop
Virtual
State Bar of New Mexico
Call 505-797-6005 or 1-800-876-6657 to register
Location: Virtual</p> | <p>13 Economic Justice Workshop
Walk-In
New Mexico Immigrant Law Center
To sign up, call 505-247-1023
Location: Albuquerque, NM</p> | <p>14 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> |

Listings in the *Bar Bulletin* Pro Bono & Volunteer Opportunities Calendar are gathered from civil legal service organization submissions and from information pertaining to the New Mexico State Bar Foundation's upcoming events. All pro bono and volunteer opportunities conducted by civil legal service organizations can be listed free of charge. Send submissions to probono@sbnm.org. Include the opportunity's title, location/format, date, provider and registration instructions. Please note: Recruitment for legal fairs and teleclinics held by the Volunteer Attorney Program of New Mexico Legal Aid typically begins four weeks prior to the date of the event. You will receive recruitment emails from both the State Bar of New Mexico and the Statewide Pro Bono Coordinator for legal fairs and teleclinics. Please use the links contained in those emails to volunteer.



Equity in Justice Book Club



State Bar of New Mexico 2025 Annual Meeting Keynote Speaker Bryan Stevenson's *Just Mercy*

Aja N. Brooks, President, State Bar of New Mexico

Abby Lewis, Equity in Justice Attorney, State Bar of New Mexico

Torri Jacobus, Director of Statewide Equity, Inclusion, and Justice for the Administrative Office of the Courts

Join us as we read “**Just Mercy**,” the powerful memoir that explores the injustices of the American criminal justice system by State Bar of New Mexico’s 2025 Annual Meeting keynote speaker Bryan Stevenson. This award-winning book illustrates the impact of wrongful convictions, inadequate legal defense and harsh sentencing, emphasizing the need for compassion and reform. Ultimately, it calls for a more just system that values mercy and human dignity for all individuals. Book club participants will work together to identify tools to ensure that justice is available to all.

We will meet virtually on the dates below from noon to 1 p.m. (MT).

- Wednesday, May 28 Prologue, Introduction, and Chapters 1-3
- Wednesday, June 18 Chapters 4-8
- Wednesday, June 25 Chapters 9-10
- Wednesday, July 9 Chapters 11-13
- Wednesday, July 23 Chapters 14-16 and Epilogue



State Bar of
New Mexico
Est. 1886

All in the legal profession are welcome!

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- Sign-up: <https://form.jotform.com/250713612369052>
- Study guide: <https://bit.ly/Just-Mercy-Discussion-Guide>

► Opportunities to Provide



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The New Mexico State Bar Foundation provides legal services programs to
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Modest Means

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Modest Means Helpline is a civil legal telephone helpline and attorney referral service of the New Mexico State Bar Foundation. **The Modest Means Helpline assists New Mexico residents with incomes below 500%* of the federal poverty guidelines.** The Modest Means Helpline can assist in civil legal matters including but not limited to domestic relations (divorce, child custody, kinship guardianship, domestic violence), landlord/tenant, small business issues, consumer, and probate.

The Modest Means Helpline's staff attorneys provide legal advice by phone and, if appropriate, may refer the case to pro bono attorneys for representation ranging from legal advice to limited or full representation. Those interested may reach the Modest Means Helpline at 505-797-6013 or 888-857-9935. Phone lines are open and accepting voicemails 24 hours a day, 7 days a week. Callers may leave voicemails at any time, including on evenings and weekends.

*The federal poverty guidelines are calculated by household size. In 2024, an income at 500% of the FPG is \$75,300 for household of 1 and \$156,000 for a household of 4.

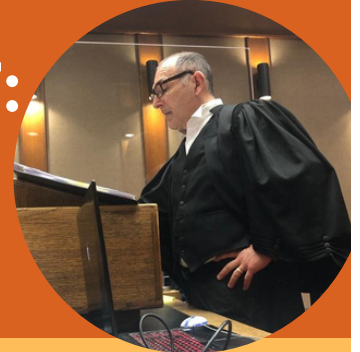


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RETIREMENT OR REWIREMENT: CRAFTING YOUR SUCCESSFUL “NEXT CHAPTER”



📅 May 8

🕒 2 - 4:45 P.M. (MT)



State Bar Center or
Virtual



\$30

JOIN US IN-PERSON OR VIRTUALLY DURING WELL-BEING WEEK IN LAW - 2.0 EP CLE CREDITS

This event will discuss the professional and personal challenges lawyers face when planning for and transitioning from the full-time practice of law to full or partial retirement. Through the use of a film documenting one lawyer's professional journey, a panel discussion, and a presentation from an executive leadership coach, the event will include discussions about the practical and ethical challenges faced when disengaging from practice. The event will also address the risks to lawyers and their clients when lawyers choose — or, by economic circumstances, are forced — to stay in practice beyond a reasonable stopping point. Additionally, the event will explore options for continuing to stay engaged in a different model of practice, the importance of early financial and succession planning for lawyers, their clients, and their families, and the professional and personal turmoil faced when a lawyer suddenly ceases practice due to unforeseen circumstances.

EVENT AGENDA

2 P.M.

Documentary Screening: Retirement on Trial:
Stephen Herman, Filmmaker and Lawyer

3:10 P.M.

Panel Discussion: Jerry Dixon, Dixon Scholl Carrillo;
Lauren Riley, Batley Riley Family Law;
Ben Davis, Davis Kelin; Evelyn Neaman - Moderator

4:10 P.M.

Challenges When Making a Career Transition:
Judge Sandra Engel (ret.), High Road to Success
Coaching

4:45 P.M.

Connection Reception: Snacks and mocktails
courtesy of the State Bar LAP & YLD



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State Bar of New Mexico
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Lawyering: What We Do Or Who We Are? CAMPAIGN



The idea of what it means to be a lawyer has changed. In the past, lawyers tended to have their personal and professional identity inextricably linked. For them, there is little distinction between their personal lives—as a parent, sibling, friend, or volunteer—and their professional identity as a legal advocate. The title of "lawyer" defines not only their vocation but their very essence. Currently, more lawyers are questioning whether being a lawyer is just a job, a means to an end. The commoditization of the law. But can being a lawyer be both? What obligations do lawyers have to their professional lives that detract or enhance their personal lives? Is there synergy or are they incongruous? This year we will explore divergent perspectives to understand and enlighten.

2025
Lawyering: What We Do
Or Who We Are?
Campaign



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Legal Service Programs.**

The State Bar has legal service programs to help members connect with potential clients: the **Modest Means Helpline** and the **Legal Resources for the Elderly Program**.

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**New Mexico
State Bar Foundation**



Gallagher & Kennedy is pleased to welcome **Sarah M. Clifford** as a lateral attorney in its Phoenix office. Joining G&K as a lateral shareholder, Sarah develops estate plans and trusts to help manage and preserve wealth and assets for individuals, families, and business owners. Her experience includes probate and trust administration,

including representation of high-net-worth clients with trusts and estates valued in excess of \$20 million.

Bardacke Allison Miller LLP is pleased to announce that **Billy Trabaldo** has become partner. His work at the Firm has involved multiple trials, commercial litigation, and transactions in the intellectual property, employment and entertainment sectors. He graduated Summa Cum Laude from University of New Mexico School of Law in 2022 and has been with the Firm since the summer of 2020. He has a B.A. degree from St. John's College in Santa Fe. Prior to becoming a lawyer, he managed North American business development for the world's largest cyber security services company.



Gallagher & Kennedy is pleased to announce that criminal defense attorney **Joshua I. Fisher** has been elected to shareholder effective Jan. 13. Joshua has focused his practice almost exclusively in the area of criminal law, trying more than 200 cases in state, federal, and military courts. He successfully handles charges involving DUI and vehicular crimes, complex felonies, fraud, white-

collar crimes, sex crimes, and other criminal defense matters.

The United States District Court for the District of New Mexico announces the elevation of **Hon. Kenneth J. Gonzales** to Chief Judge effective Jan. 10 following the Hon. William P. Johnson's transition to senior status. Since joining the federal court, Judge Gonzales' duty station has been in Las Cruces where he has spent considerable time presiding over a robust general criminal docket and a wide range of civil matters from throughout the District of New Mexico. As Chief Judge, Judge Gonzales' duty station will be in Santa Fe effective Aug. 2025.

The Albuquerque Bar Association awarded recently retired **Judge Stan Whitaker** the 2024 Distinguished Service Award. Judge Whitaker's distinguished career is marked by his leadership and service in several key roles within the judiciary. He served as Chief Judge during the COVID-19 pandemic and senior Judge of the criminal division of the Second Judicial District Court, where he provided strong leadership and successfully managed court operations. Judge Whitaker retired from the bench on Dec. 21, 2024.



Gallagher & Kennedy is pleased to welcome **Karin S. Aldama** as a lateral shareholder in its Phoenix office. Joining G&K from an AmLaw 50 firm and with more than 25 years of legal experience, Karin advises government entities and Fortune 500, large, and midsize companies in complex insurance coverage matters, commercial litigation, and arbitration.

Her clients operate in industries such as hospitality, finance, utilities, aerospace and semiconductors.

Wiggins, Williams & Wiggins PC is pleased to announce that its name has been changed to **Wiggins, Williams & Wesenberg, PC**. All other business information remains the same.

► From the New Mexico Supreme Court

<https://www.nmcompcomm.us>

From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-004

No: S-1-SC-39659 (filed October 21, 2024)

**JOSHUA SMITH, individually and on
behalf of other similarly situated individuals,**

Plaintiff,

v.

**INTERINSURANCE EXCHANGE OF
THE AUTOMOBILE CLUB, aka AAA,**

Defendant.

CERTIFICATION FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

William P. Johnson, District Judge

Valle, O’Cleireachain, Zamora, & Harris
Andrea D. Harris
Albuquerque, NM

Law Office of Kedar Bhasker
Kedar Bhasker
Albuquerque, NM

Corbin Hildebrandt, P.C.
Corbin Hildebrandt
Albuquerque, NM

Law Offices of Geoffrey R. Romero
Geoffrey R. Romero
Albuquerque, NM

for Plaintiff

Allen Law Firm, LLC
Meena H. Allen
Albuquerque, NM

for Defendant

Holland & Hart, LLP
Larry J. Montano
Olga M. Serafimova
Santa Fe, NM

for Amicus Curiae Chamber of
Commerce of the United States
of America

Allen, Shepherd & Lewis, P.A.
Brant L. Lillywhite
Albuquerque, NM

for Amicus Curiae American Property
Casualty Insurance Association and
National Association of Mutual
Insurance Companies

OPINION

ZAMORA, Justice.

{1} This case requires the Court to resolve a single question certified to us by the United States District Court for the District of New Mexico: Does the rule we announced in

our opinion in *Crutcher v. Liberty Mutual Insurance Co.*, 2022-NMSC-001, 501 P.3d 433, apply prospectively or retroactively?

{2} We hold that *Crutcher* applies retroactively. There is a rebuttable presumption that a rule announced in a New Mexico civil case such as *Crutcher* applies retroactively. *Beavers v. Johnson Controls World Servs.,*

Inc., 1994-NMSC-094, ¶ 22, 118 N.M. 391, 881 P.2d 1376. That presumption is not overcome here. We did not expressly declare in *Crutcher* that the rule applied prospectively, and *Crutcher* did not state a new rule of law such that Defendant AAA was entitled to rely on pre-*Crutcher* authority. Our intention was for *Crutcher* to apply retroactively. See *Ullman v. Safeway Ins. Co.*, 2023-NMSC-030, ¶ 44, 539 P.3d 668 (“It is within the inherent power of a state’s highest court to give a decision prospective or retrospective application without offending constitutional principles.” (internal quotation marks and citation omitted))).

I. BACKGROUND

{3} *Crutcher* resolved a significant problem in the uninsured/underinsured motorist (UM/UIM) statutory scheme, which can be explained as follows. The Legislature requires insurance companies to offer minimum liability UM/UIM coverage. *Crutcher*, 2022-NMSC-001, ¶ 33. But, under the broader statutory scheme, when the insured’s damages exceed that minimum and the tortfeasor is also covered under a minimum liability policy, the insured’s minimum liability UM/UIM coverage in effect provides no additional UIM benefits because any potential benefits to the insured are offset by the coverage of the other insured driver. *Id.* ¶¶ 19-21. Furthermore, because the offset-based statutory scheme is complex, it is unreasonable to expect insurance customers to understand that, when they contract for minimum liability UM/UIM coverage, they in essence may receive only minimum UM benefits and cannot claim UIM coverage toward their additional damages. *Id.* ¶¶ 26, 30. *Crutcher* resolved that problem by holding that minimum liability UIM coverage is illusory and can be sold only with sufficient disclosure. *Id.* ¶ 33. {4} In the litigation that gave rise to this certified question, Plaintiff Joshua Smith, on his own behalf and on behalf of similarly situated individuals, sued Defendant AAA in federal district court alleging that the minimum liability UM/UIM coverage he purchased from Defendant AAA was “illusory and/or misleading.” Plaintiff brought numerous claims against Defendant AAA, including claims for violating the Unfair Insurance Practices Act, NMSA 1978, §§

► From the New Mexico Supreme Court

59A-16-1 to -30 (1984, as amended through 2023); violating the New Mexico Unfair Practices Act, NMSA 1978, §§ 57-12-1 to -26 (1967, as amended through 2019); negligent misrepresentation; and unjust enrichment.

{5} Several important factual and procedural events in this case took place prior to the filing of this Court's opinion in *Crutcher*, including Plaintiff's initial purchase of minimum liability UM/UM coverage, Plaintiff's automobile accident, and the filing of the complaint. Defendant AAA filed a motion to dismiss Plaintiff's lawsuit on grounds that *Crutcher* does not apply. Defendant argued that *Crutcher* applies only prospectively and that insurers had no pre-*Crutcher* duty to disclose the effect of the broader statutory scheme on minimum liability UM/UM coverage. The federal district court sua sponte certified to this Court the question of whether *Crutcher* applies prospectively or retrospectively, and we accepted the certification.

II. DISCUSSION

A. New Mexico's Retroactivity Analysis for Civil Cases

{6} Unlike the federal system where a new rule of law announced in a civil case always applies retroactively, see *Harper v. Virginia Dep't of Taxation*, 509 U.S. 86, 89, 100 (1993) (adopting rule of universal retroactivity for federal civil cases), New Mexico applies a rebuttable presumption of retroactivity to civil cases, see *Beavers*, 1994-NMSC-094, ¶ 22 ("Because of the compelling force of the desirability of treating similarly situated parties alike, we adopt a presumption of retroactivity for a new rule imposed by a judicial decision in a civil case, in lieu of the hard-and-fast rule prescribed for federal cases in *Harper*").

{7} The presumption of retroactivity can be rebutted in two ways. First, "by an *express* declaration, in the case announcing the new rule, that the rule is intended to operate" prospectively. *Id.* (emphasis added). Second, if the case announcing the new rule does not expressly declare that it should apply prospectively, then the presumption of retroactivity can "be overcome by a sufficiently weighty combination of one or more of the *Chevron Oil* factors." *Id.*; see *Chevron Oil Company v. Huson*, 404 U.S. 97, 106-07

(1971) (acknowledging that states incorporate the *Chevron* factors while affirming that "[w]hatever freedom state courts may enjoy to limit the retroactive operation of their own interpretations of state law cannot extend to their interpretations of federal law" (citation omitted)), *disapproved of by Harper*, 509 U.S. at 89, 100.

{8} We have recently distilled and restated the *Chevron* factors as "(1) whether the decision to be applied prospectively establishes a new principle of law, (2) whether retroactive operation will advance or inhibit the operation of the new rule, and (3) whether retroactive application may 'produce substantial inequitable results.'" *Ullman*, 2023-NMSC-030, ¶ 44 (quoting *Beavers*, 1994-NMSC-094, ¶ 23).

B. *Crutcher* Applies Retroactively

{9} Because there is a presumption that our decisions apply retroactively, when this Court intends a rule to apply prospectively, we articulate prospectivity with an express declaration in unmistakable terms. For example in *Rodriguez v. Brand West Dairy*, we stated that "we . . . direct that our holding be prospectively applied to any injury that manifests after the date that our mandate issues in this case pursuant to Rule 12-402(B) [NMRA] . . . [and that] we modify our prospective holding by applying it to the litigants in this case." 2016-NMSC-029, ¶ 51, 378 P.3d 13. Recently, in *Ullman*, we explicitly stated that "the . . . rule we announce in this opinion should be applied prospectively" and further stated specifically that the rule would apply to the litigants in the case, thus modifying the prospective application. 2023-NMSC-030, ¶ 50. And in *Lopez v. Maez*, we stated that the new rule would apply "to prospective cases in which the damages and injuries arise after the date of the mandate in this case" and also to the case at issue "for having afforded [this Court] the opportunity to change an outmoded and unjust rule of law." 1982-NMSC-103, ¶ 18, 98 N.M. 625, 651 P.2d 1269.

{10} Defendant points to two statements in *Crutcher* as purportedly indicating our intention that its holding apply prospectively: "*hereafter*, the insurer shall bear the burden of disclosure to the policyholder," and "we will *now* require every insurer to

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adequately disclose." 2022-NMSC-001, ¶¶ 32-33 (emphases added). With additional context, the statements are as follows:

"It is the obligation of the insurer to draft an exclusion that clearly and unambiguously excludes coverage." Therefore, *hereafter*, the insurer shall bear the burden of disclosure to the policyholder that a purchase of the statutory minimum of UM/UM insurance may come with the counterintuitive exclusion of UM insurance if the insured is in an accident with a tortfeasor who carries minimum liability insurance. Consistent with the purpose and intent of the UM statute, this disclosure will allow purchasers to make a fully informed decision when selecting UM/UM insurance coverage[;]

and

[minimum liability UM/UM] coverage is illusory because it is misleading to the average policyholder. As such, we will *now* require every insurer to adequately disclose the limitations of minimum [liability] UM/UM policies in the form of an exclusion in its insurance policy. If the insurer provides adequate disclosure, it may lawfully charge a premium for such coverage.

Crutcher, 2022-NMSC-001, ¶¶ 32-33 (citation omitted) (emphases added).

{11} The language in *Crutcher* relied upon by Defendant is readily distinguishable from the kinds of *express* declarative statements we have used in the past to announce our intention that a rule apply prospectively. See *Ullman*, 2023-NMSC-030, ¶ 50 ("[W]e conclude that the stacking disclosure rule we announce in this opinion should be applied *prospectively*." (emphasis added)); *Lopez*, 1982-NMSC-103, ¶ 18 ("[W]e apply this decision to this case for having afforded us the opportunity to change an outmoded and unjust rule of law and to *prospective* cases in which the damages and injuries arise after the date of the mandate in this case." (emphasis added)). Instead, the language in *Crutcher* merely clarifies how our rules should be followed and explains how an insurance company can avoid future

► From the New Mexico Supreme Court

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liability when selling minimum liability UM/UM coverage. Nowhere does the word “prospective” (or any related term) appear in connection with an insured’s liability coverage.

{12} Nor does an analysis under *Beavers* command that we give our decision in *Crutcher* prospective effect. Defendant’s brief in chief relies on the first and third *Beavers* factors, arguing that the rule from *Crutcher* was “a new principle of law,” *Beavers*, 1994-NMSC-094, ¶ 23, because it was not foreshadowed by prior opinions, and, relatedly, that Defendant “was entitled to rely on” pre-*Crutcher* law.

{13} Contrary to Defendant’s contention, the holding in *Crutcher* was clearly foreshadowed. In 2010, we stated in *Progressive Northwestern Ins. Co. v. Weed Warrior* that minimum liability UM/UM coverage provided “only UM coverage,” and that “the inclusion of ‘UIM’ in the statute [is therefore] superfluous.” 2010-NMSC-050, ¶ 10, 149 N.M. 157, 245 P.3d 1209. We added that an injured driver with minimum liability UM/UM coverage, “though in theory having purchased UIM coverage, would in fact have purchased only UM coverage.” *Id.* Thus, we stated, “[a]n insured carries UIM coverage only if the UM/UIM limits on her or his policy are greater than the statutory minimum.” *Id.* We further stated that our courts “will not impose on the consumer an expectation that she or he will be able to make an informed decision as to the amount of UM/UM coverage desired or required without first receiving information from the insurance company.” *Id.* ¶ 13 (emphasis added).

{14} *Weed Warrior*’s foreshadowing of *Crutcher* is evident in *Crutcher* itself, where we quote or cite *Weed Warrior* for at least three core analytical precepts. First,

“[t]he courts of New Mexico assume the average purchaser of automobile insurance will have limited knowledge of insurance

law, and we will not impose on the consumer an expectation that she or he will be able to make an informed decision as to the amount of UM/UM coverage desired or required without first receiving information from the insurance company.”

Crutcher, 2022-NMSC-001, ¶ 26 (quoting *Weed Warrior*, 2010-NMSC-050, ¶ 13). Second, “[a]s has been established, a tortfeasor who carries minimum limits UM/UM coverage or higher may never fit the definition of an ‘underinsured motorist’ according to the statute, rendering a policyholder unable to collect UIM insurance.” *Id.* ¶ 27 (citing *Weed Warrior*, 2010-NMSC-050, ¶ 10). And third, the “injured driver, though in theory having purchased UIM coverage, would in fact have purchased only UM coverage—rendering the inclusion of ‘UIM’ in the statute superfluous.” *Id.* ¶ 21 (quoting *Weed Warrior*, 2010-NMSC-050, ¶ 10).

{15} In fact, *Crutcher* explicitly identifies the strong connection to *Weed Warrior*. The *Crutcher* Court states that it was “simply identifying the same consequence previously illuminated in *Weed Warrior*” and quotes the statement in *Weed Warrior* that “[a]n insured carries UIM coverage only if the UM/UIM limits on her or his policy are greater than the statutory minimum of \$25,000.” *Crutcher*, 2022-NMSC-001, ¶ 27 (quoting *Weed Warrior*, 2010-NMSC-010, ¶ 10).

{16} Finally, the federal district court squarely predicted years ago in two memorandum opinions that this Court would hold that minimum liability UM/UM coverage is illusory under New Mexico law. See *Bhasker v. Kemper Cas. Ins. Co.*, 284 F. Supp. 3d 1191, 1236 (D.N.M. Jan. 10, 2018) (memorandum opinion and order) (stating in 2018 that “the Supreme Court of New Mexico would conclude that the [minimum liability] UM/UIM coverage that [the

plaintiff] purchased is illusory”); *Bhasker v. Kemper Cas. Ins. Co.*, 361 F. Supp. 3d 1045, 1146-47 (D.N.M. Feb. 7, 2019) (memorandum opinion and order) (predicting in 2019 that this Court would find minimum liability UM/UM coverage to be illusory). {17} Accordingly, *Crutcher* did not create a new rule under the *Beavers* framework. See *Beavers*, 1994-NMSC-094, ¶ 23 (stating that a new rule of law may be established by, in relevant part, “deciding an issue of first impression whose resolution was not clearly foreshadowed”). Furthermore, considering “the prior history of the rule in question [and] its purpose and effect,” we can only conclude that retroactive application will further its operation. See *id.* While the prospective application of the *Crutcher* holding would perpetuate the illusion identified in *Weed Warrior* and prevent those with illusory UIM insurance coverage prior to *Crutcher* from pursuing claims of misrepresentation, retroactive application will further the policies set out in our prior application of our uninsured motorist statute, requiring that coverage decisions by an insured be knowing and intelligently made. See *Romero v. Dairyland Ins. Co.*, 1990-NMSC-111, ¶ 9, 111 N.M. 154, 803 P.2d 243. Finally, given that no new rule was created in *Crutcher*, Defendant was not entitled to rely on pre-*Crutcher* authority, and it is not inequitable to apply *Crutcher* retroactively. See *Beavers*, 1994-NMSC-094, ¶ 38. In sum, we conclude that the presumption of retroactivity has not been overcome.

III. CONCLUSION

{18} For the reasons stated, *Crutcher*, 2022-NMSC-001, applies retroactively.

{19} **IT IS SO ORDERED.**

BRIANA H. ZAMORA, Justice

WE CONCUR:

DAVID K. THOMSON, Chief Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 2/28/2025

No. A-1-CA-40240

VALENE BELL,

Plaintiff-Appellant,

v.

ALLSUP ENTERPRISES, INC. d/b/a

ALLSUP'S CONVENIENCE STORES, INC.;

ALLSUP'S CONVENIENCE STORES, INC.

d/b/a ALLSUP'S CONVENIENCE STORES;

LONNIE D. ALLSUP, Director & President;

and HOWARD BRISTER, local store manager,

Defendants-Appellees.

APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY

David P. Reeb, Jr., District Court Judge

Cooper Appeals, P.L.L.C

Kirk Cooper

El Paso, TX

Lovett Law Firm

Robert Lovett

Jeffery W. McElroy

El Paso, TX

for Appellant

Lindsey Law Firm, L.L.C.

Daniel R. Lindsey

Clovis, NM

for Appellees

► Introduction of Opinion

Plaintiff Valene Bell appeals the dismissal of her personal injury lawsuit against Defendants Allsup Enterprises, Inc., Allsup's Convenience Stores, Inc., Lonnie D. Allsup, and Howard Brister. The district court dismissed Plaintiff's complaint on its own motion pursuant to Rule 1-041(E)(2) NMRA. We hold that this was error because Rule 1-041(E)(2) does not authorize dismissal when, as in this case, a scheduling order has been entered. We therefore reverse and remand for reinstatement of Plaintiff's case.

Zachary A. Ives, Judge

WE CONCUR:

Jacqueline R. Medina, Judge

Shammara H. Henderson, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-40240>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 3/3/2025

**No. A-1-CA-39883 and No. A-1-CA-40163
(consolidated for purpose of opinion)**

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

MATTHEW CLAY MEDEMA,

Defendant-Appellant.

**APPEALS FROM THE DISTRICT COURT
OF DOÑA ANA COUNTY**

Conrad F. Perea, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

Meryl E. Francolini, Assistant Solicitor General

Alexander W. Tucker, Assistant Solicitor General

Albuquerque, NM

for Appellee

Wadsworth Law, LLC

Mathew R. Wadsworth

Rio Rancho, NM

The Law Office of Ryan J. Villa

Richelle Anderson

Albuquerque, NM

for Appellant

► Introduction of Opinion

In this consolidated opinion, Defendant Matthew Clay Medema appeals from his convictions for criminal sexual penetration (CSP) (use of force or coercion), contrary to NMSA 1978, Section 30-9-11(F) (2009); aggravated battery on a household member, contrary to NMSA 1978, Section 30-3-16 (2018); and false imprisonment, contrary to NMSA 1978, Section 30-4-3 (1963). Defendant raises five claims on appeal, as well as claiming cumulative error: (1) the district court erred in failing to strike a juror for cause; (2) the district court erred in excluding Victim's out-of-court statements allegedly relevant to her consent to sexual intercourse; (3) Defendant's conviction for aggravated battery on a household member either is not supported by the evidence or must be reversed because of misconduct by the prosecution in closing argument; (4) Defendant's conviction of both CSP by force or coercion and false imprisonment violated Defendant's right to be free from double jeopardy; and (5) the destruction of jury questionnaires pursuant to Rule 5-606 NMRA violated Defendant's constitutional rights and requires reversal. **View full PDF online.**

Jane B. Yohalem, Judge

WE CONCUR:

Gerald E. Baca, Judge

Katherine A. Wray, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-39883>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 3/10/2025

No. A-1-CA-41672

DENNIS P. MURPHY, as Guardian ad Litem for DILON BARBERO, a minor,

Plaintiff-Appellant,

v.

PEDIATRIX CARDIOLOGY OF NEW MEXICO, P.C. d/b/a PEDIATRIX CARDIOLOGY ASSOCIATES OF NEW MEXICO,

Defendant-Appellant,

and

PRESBYTERIAN HEALTHCARE SERVICES,

Defendant,

and

NEW MEXICO SUPERINTENDENT OF INSURANCE,

Intervenor-Appellee.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Kathleen McGarry Ellenwood, District Court Judge

Durham, Pittard & Spalding, LLP

Caren I. Friedman

Justin R. Kaufman

Rosalind B. Bienvenu

Philip M. Kovnat

Santa Fe, NM

Buckingham & Vega Law Firm

Adrian O. Vega, Et al.

Albuquerque, NM

for Appellant

► Introduction of Opinion

This case arises from an occurrence of medical malpractice. Plaintiff Dennis Murphy, as guardian ad litem for Dilon Barbero, entered into a settlement with Defendant Pediatrix Cardiology of New Mexico, P.C.—a qualified health care provider under the Medical Malpractice Act (the MMA), NMSA 1978, §§ 41-5-1 to -29 (1976, as amended through 2023). The Superintendent of Insurance (the Superintendent), however, declined to disburse the agreed amount from the Patient's Compensation Fund because, in their view, the payment for lump sum future medical expenses—a term of the settlement—violated the MMA. The district court revoked its approval of the minor's settlement agreement between Plaintiff and Defendant based on the Superintendent's objections. Plaintiff appeals, arguing that a payment of lump sum future medical expenses is not precluded by the MMA and that the Superintendent does not have authority to object to a court-approved settlement or refuse to pay it. We affirm, though for differing reasons as stated in both this opinion and the separate authorship. **View full PDF online.**

J. Miles Hanisee, Judge

WE CONCUR IN PART:

Zachary A. Ives, Judge, concurring in Judge Wray's concurrence in part and dissent in part
Katherine A. Wray, Judge, concurring in part and dissenting in part

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-41672>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 3/11/2025

No. A-1-CA-41149

AARON BORREGO and VIRGIL VIGIL,

Petitioners-Appellants,

v.

FIRST JUDICIAL DISTRICT ATTORNEY'S

OFFICE and FELICIA LUJAN,

Respondents-Appellees.

**APPEAL FROM THE DISTRICT COURT
OF SANTA FE COUNTY**

Bryan Biedscheid, District Court Judge

Stalter Law LLC

Kenneth H. Stalter

Albuquerque, NM For Appellee

for Appellants

Long, Komer & Associates, P.A.

Nancy R. Long

Jonas M. Nahoum

Santa Fe, NM

for Appellees

Amanda R. Lavin, Legal Director, Et al.

Albuquerque, NM

for Amicus Curiae New Mexico Foundation for
Open Government

► Introduction of Opinion

Petitioners Aaron Borrego and Virgil Vigil appeal the district court's order granting Respondents' motion for summary judgment, under the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2023). Petitioners contend that the district court erred in concluding that the following were not subject to disclosure under IPRA: (1) the content of plea negotiations between the First Judicial District Attorney's Office (FJDA) and attorneys representing defendants and (2) the mandatory statements of admission the defendants submitted with their applications to participate in the FJDA's preprosecution diversion program (PPD). We are satisfied, in light of district attorneys' constitutional role in New Mexico's criminal justice system, defendants constitutional rights to effective assistance of counsel and to a public trial by an impartial jury, and our Supreme Court's recognition of the evidentiary privilege expressed in Rule 11-410 NMRA, see *Republican Party of N.M. v. N.M. Tax'n & Revenue Dep't*, 2012-NMSC-026, 283 P.3d 853; *State v. Trujillo*, 1980-NMSC-004, 93 N.M. 724, 605 P.2d 232, that the "as otherwise provided by law" exception, § 14-2-1(L), shields records of plea negotiations from disclosure under IPRA. View full PDF online.

Jacqueline R. Medina, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Zachary A. Ives, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41149>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41236

George Adalberto Lopez

v.

City of Las Cruces

Introduction of Opinion

George Adalberto Lopez (Plaintiff), formerly employed as the Equal Employment Opportunity (EEO) and Americans with Disabilities Act (ADA) coordinator for the City of Las Cruces (the City), appeals the district court's grant of summary judgment in favor of the City. Plaintiff contends that summary judgment should not have been granted because he presented evidence sufficient to support his claims that the City's termination of his employment violated the New Mexico Human Rights Act (NMHRA), NMSA §§ 28-1-1 to -14 (1969, as amended through 2024). We conclude that Plaintiff established a prima facie case for age and/or sex discrimination, and though the City established a legitimate business reason for Plaintiff's termination, Plaintiff produced evidence to rebut the proffered reason. **View full PDF online.**

Katherine A. Wray, Judge
WE CONCUR:

Jennifer L. Attrep, Chief Judge
Kristina Bogardus, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41236>

No. A-1-CA-40892

State of New Mexico

v.

Gary L. Doporto

Introduction of Opinion

This matter is on appeal from Defendant Gary Doporto's conviction for trafficking a controlled substance (possession with intent to distribute), contrary to NMSA 1978, Section 30-31-20 (2006). For the reasons that follow, we affirm. **Read full opinion at the link below.**

Shammara H. Henderson, Judge
WE CONCUR:

Jennifer L. Attrep, Chief Judge
J. Miles Hanisee, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40892>

No. A-1-CA-41136

Thomas Ray Newsome, Jr.

v.

**Centurion Correctional
Healthcare of New Mexico, LLC**

Introduction of Opinion

Plaintiff Thomas Ray Newsome, Jr., appearing pro se, appeals the district court's order denying his motion to reconsider its grant of summary judgment in favor of Defendant, Centurion Correctional Healthcare of New Mexico, LLC on Plaintiff's claim under the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2023). On appeal, Plaintiff argues that the district court improperly granted Defendant's motion. We affirm.

Kristina Bogardus, Judge
I CONCUR:

Jacqueline R. Medina, Judge
Shammara H. Henderson, Judge
(dissenting)

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41136>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41559
State of New Mexico
v.
Terry Nauman

Introduction of Opinion

Defendant Terry Nauman appeals his conviction for child solicitation by electronic communication device (child under 13) (appears for meet), pursuant to NMSA 1978, Section 30-37-3.2(C)(2) (2007). Defendant argues the district court erred because it denied Defendant's motion to suppress the contents of Defendant's phone based on an involuntary consent to search and failed to exclude sold and destroyed evidence or provide a jury instruction regarding such evidence. Defendant also argues that his speedy trial rights were violated and he was provided ineffective assistance of counsel because his counsel did not file a motion to dismiss based on his speedy trial rights. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Kristina Bogardus, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41559>

No. A-1-CA-40916
John Glenn Forsythe
v.
Christina Bailey Forsythe

Introduction of Opinion

Petitioner John Glenn Forsythe appeals an order by the district court, which adopted a hearing officer's report requiring Petitioner to pay Respondent Christina Bailey Forsythe unpaid spousal support in the amount of \$1,582.82. Petitioner argues that this amount was erroneously calculated—specifically, that the district court should have found that he made two payments in November 2020, totaling \$1,515.00. We affirm.

Zachary A. Ives, Judge
WE CONCUR:
Jennifer L. Attrep, Chief Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40916>

No. A-1-CA-41030
State of New Mexico
v.
Jessica Morales

Introduction of Opinion

Defendant Jessica Morales appeals the revocation of her probation. Defendant argues screenshots of Facebook messages should not have been admitted at her probation revocation hearing and sufficient evidence does not exist to establish that she violated her probation. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Kristina Bogardus, Judge
Jacqueline R. Medina, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41030>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-40399
Bryce Franklin
v.
The Geo Group

Introduction of Opinion

Plaintiff Bryce Franklin, a self-represented state inmate, appeals the district court's order denying his verified petition for alternative writ of mandamus (the Petition) to compel Defendant GEO Group, a contractor overseeing the housing of state prisoners at the Guadalupe County Correctional Facility (GCCF), and Defendant GCCF Facility Records Coordinator's (collectively, Defendants) compliance with the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2023), and New Mexico Corrections Department (NMCD) policy. We affirm.

Jennifer L. Attrep, Chief Judge
WE CONCUR:
Kristina Bogardus, Judge
Jacqueline R. Medina, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40399>

No. A-1-CA-41326
State of New Mexico
v.
Hardy R. Begay

Introduction of Opinion

In relevant part, Defendant Hardy R. Begay was charged by criminal information in the district court for aggravated driving while intoxicated (DWI), contrary to NMSA 1978, Section 66-8-102(D)(3)(2016), as a "special second[-] degree felony." See § 66-8-102(K) ("Upon an eighth or subsequent conviction pursuant to this section, an offender is guilty of a second[-]degree felony and, notwithstanding the provisions of [NMSA 1978,] Section 31-18-15 [(2019, amended 2024)], shall be sentenced to a term of imprisonment of twelve years, ten years of which shall not be suspended, deferred or taken under advisement."). After a jury convicted Defendant, the district court sentenced him to twelve years' incarceration, with two years suspended. **View full PDF online.**

Katherine A. Wray, Judge
WE CONCUR:
Jacqueline R. Medina, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41326>

No. A-1-CA-41891
Children, Youth & Families
Department
v.
Andrea L.

Introduction of Opinion

Andrea L. (Mother) appeals the termination of her parental rights to K.G. (Child). Mother argues that the district court's findings supporting termination of her parental rights were speculative and, as such, there was insufficient evidence to terminate her parental rights. We affirm the judgment of the district court.

Jacqueline R. Medina, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41891>

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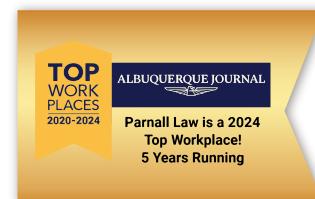
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Contact Liz today to welcome her! She can be reached at: ehephy@cuddymccarthy.com.

CARLOS J. PADILLA



We are pleased to announce that as of January 1, 2025, Carlos J. Padilla has been named a Partner of Cuddy & McCarthy, LLP. His practice covers a wide variety of areas including real property law, municipal and administrative law, construction law, and general civil litigation.

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George Skelly is a member of Singleton Schreiber's Personal Injury and Wrongful Death practice group, representing individuals and families throughout New Mexico who have suffered due to the wrongful actions of others. He has successfully handled cases involving automobile accidents, dog bites, slip and fall injuries, and other personal injury matters. With a commitment to achieving the best possible outcomes for his clients, George is dedicated to helping those facing the aftermath of catastrophic injuries or motor vehicle collisions.

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IPRA Attorney – New Mexico Department of Justice

The New Mexico Department of Justice seeks a dynamic and experienced individual to join our team as an attorney for fulfilling Inspection of Public Records Act (IPRA) requests. The IPRA Attorney is responsible for overseeing and managing legal matters related to IPRA requests for our office. Their primary focus is the timely, efficient, and effective processing of requests to inspect public records. The IPRA Attorney works closely with the Special Counsel for the Attorney General, Deputy Attorney General for Civil Affairs, and Director of Government Counsel & Accountability and collaborates with attorneys and legal professionals throughout the Department. Qualifications include have a Juris Doctor (JD) degree from an accredited law school; Admission to the New Mexico state bar and in good standing or the ability to acquire a limited law license; Minimum of 4 years of experience in the practice of law; Strong knowledge of IPRA law, and other relevant legal areas; Excellent leadership and management skills, with the ability to inspire and motivate a team of attorneys and legal professionals; Outstanding legal research, writing, and oral advocacy skills; Strong analytical and problem-solving skills; Ability to work effectively under pressure, prioritize tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders; Demonstrated commitment to public service law; 6 years of experience in litigation, with demonstrated experience processing IPRA requests and 3 years of management experience preferred. To apply please submit the following documents to Tim Maestas at recruiting@nmdoj.gov: Cover letter detailing your interest in the role and your relevant experience, Resume/CV with a detailed overview of your educational and professional background, Writing samples showcasing your legal research and writing abilities, Contact information for three professional references. If you have any questions please contact Tim Maestas at tmaestas@nmdoj.gov.

Litigation Counsel - New Mexico Department of Justice

The New Mexico Department of Justice seeks a high-performing, experienced litigation attorney to join its Impact Litigation Division. Our mission is to uphold the rule of law and protect vulnerable residents of New Mexico when they are unable to protect themselves. Our focus is on complex civil matters aligned with the Attorney General's priorities, such as challenging unlawful federal actions relating to immigration, reproductive rights, environmental protection, privacy, and voting rights. We also pursue claims against social media companies and corporations that harm or exploit children and other consumers. Qualifications include having a Juris Doctor (J.D.) degree from an accredited law school; Admission to the New Mexico state bar and in good standing or ability to acquire a limited law license; 3 to 6 years of experience in complex litigation, with an emphasis on consumer protection, civil rights, or immigration law; Strong knowledge of relevant state and federal laws and regulations; Proven track record of developing and executing successful complex litigation strategies; Excellent leadership and management skills, with the ability to inspire and motivate a team of attorneys and legal professionals; Outstanding legal research, writing, and oral advocacy skills; Strong analytical and problem-solving abilities; Ability to work effectively under pressure, prioritize tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders; Demonstrated commitment to social justice, equality, and public interest law. To apply please submit the following documents to Tim Maestas at recruiting@nmdoj.gov: Cover letter detailing your interest in the role and your relevant experience; Resume/CV with a detailed overview of your educational and professional background; Writing samples showcasing your legal research and writing abilities; Contact information for three professional references. If you have questions, please reach out to Tim Maestas at tmaestas@nmdoj.gov.

Senior Litigation Counsel – New Mexico Department of Justice

The New Mexico Department of Justice seeks a high-performing, experienced litigation attorney to join its Impact Litigation Division. Our mission is to uphold the rule of law and protect vulnerable residents of New Mexico who are unable to protect themselves. The team focuses on complex civil matters involving the priorities of the Attorney General, such as challenging unlawful federal actions related to immigration, reproductive rights, environmental protection, privacy, and voting rights. The division also pursues claims against social media companies and other large corporations that harm or exploit children and other consumers. The ideal candidate will have seven or more years of experience in complex litigation, with an emphasis on consumer protection, civil rights, or immigration law, and a commitment to working collaboratively in a fast-paced, high-stakes environment. Qualifications include having a Juris Doctor (J.D.) degree from an accredited law school; Admission to the New Mexico state bar and in good standing, or the ability to acquire a limited law license; Seven (7) or more years of experience in complex litigation, particularly in consumer protection, civil rights, or immigration law; Proven track record of developing and executing successful litigation strategies; Excellent legal research, writing, and oral advocacy skills; Strong analytical and problem-solving abilities; Ability to thrive under pressure, prioritize tasks, and meet deadlines; Exceptional interpersonal and communication skills, with the ability to collaborate effectively with diverse stakeholders; Demonstrated commitment to social justice, equality, and public interest law. To apply please submit the following documents to Tim Maestas at recruiting@nm DOJ.gov: Cover letter detailing your interest in the role and your relevant experience; Resume/CV with a detailed overview of your educational and professional background; Writing samples showcasing your legal research and writing abilities; Contact information for three professional references. If you have questions, please reach out to Tim Maestas at tmaestas@nm DOJ.gov.

Associate Attorney

RILEY | KELLER | ALDERETE | GONZALES, an AV-rated Albuquerque civil defense firm formed in 1982, seeks an associate attorney trial position. We seek a person with civil experience, including communication and writing skills. The position is full-time with the prospect of a virtual work setting and flexible schedule. We offer an excellent salary, benefits and pension package. Please submit a resume, references and writing samples to our Office Manager by fax, (505) 883-4362 or mvelasquez@riley nmlaw.com.

Lawyer

Want to work reasonable hours in a small, collegial office? Looking for an accelerated partnership track? New Mexico Probate & Estate Lawyers is a 3-lawyer probate and estate law firm that emphasizes effective legal representation and good customer service without compromising quality of life. Our skilled, well-regarded lawyers (Kevin Holmes, David Ferrance, and Eric Ortiz) are looking for a lawyer to join them in contested and uncontested probate, trust, and estate cases. We are open to flex and hybrid working arrangements and full-time or part-time work. All forms of pay arrangements will be considered. For the right candidate, partnership consideration will happen in as few as two years. Candidate must have experience in probate and estate cases or civil litigation (ideally both). Please send a resume and brief letter of interest to kevin@nm probatelaw.com. All inquiries will be kept strictly confidential.

Remote Attorney

Must be currently licensed in NM for a minimum of 24 months. Tele-commute from anywhere in NM, AZ, UT. Full time. Non-traditional practice. Handle high-volume of phone calls serving NM clients. Salary starts at \$60,000 base + \$10,000 signing bonus plus per-formance bonus. Train remotely. Fast-paced, challenging environment, use your legal experience and service skills to solve a variety of legal problems daily. Full benefits package, 401(K) with match, PTO, paid holidays, in-house CLE, firm-paid bar dues. Requirements: no State Bar discipline, high-speed internet access. Bilingual Spanish a plus (with extra pay) but not required. Please submit resumes to - resume@davismiles.com.

Attorneys

The State of New Mexico, Risk Management Division - Legal Bureau ("RMD") is seeking attorneys interested in "protecting the State of New Mexico's human, physical, and financial as-sets." RMD has two convenient locations in Albuquerque and Santa Fe, with the Santa Fe office located within walking distance of the South Capitol Rail Runner stop. RMD offers a competitive salary and benefits package. Senior Litigation Attorneys evaluate cases, maintain a case load of all types of civil claims, manage outside counsel defending the State of New Mexico, collaborate and strategize with experienced attorneys, attend and participate in mediations and trials, and work with a wonderful supportive staff. Applicants are required to have a current license to practice law in New Mexico and be in good standing with the State Bar. We are an equal opportunity employer and encourage all qualified candidates to apply. Please send a resume to Laura.Unklesbay@gsd.nm.gov

Judicial Assistant

A United States Circuit Judge on the Court of Appeals for the Tenth Circuit is seeking qualified applicants to serve as a Judicial Assistant. This position is a full-time position within chambers and is responsible for managing the daily operation of chambers as well as providing administrative support to the judge. For the full announcement and application instructions, please visit: <https://www.ca10.uscourts.gov/hr/jobs>

Associate Attorney

Long, Komer & Associates, P.A. is a well-established law firm located in Santa Fe, New Mexico. Our law firm is seeking a full-time associate attorney with a preference for 3 years of civil litigation or more and excellent research and writing skills. Qualified applicants must have experience conducting legal research, drafting of memos and briefs, with preferred experience in attending depositions and court proceedings. Experience with transactional matters is also preferred. This is a full time in-office position located in Santa Fe, New Mexico, although some remote work may be considered. The firm offers employee health and dental insurance, competitive salary, vacation and sick leave, and a 401(K). Please submit resume and writing sample to amelia@longkomer.com

Job Announcement

Staff Attorney (State Licensed)

LOCATION: Farmington, NM. DNA - People's Legal Services ("DNA") is committed to providing high quality legal services to persons living in poverty on the Navajo, Hopi and Jicarilla Apache Reservations, and in parts of Northern Arizona, New Mexico, and Southern Utah. DNA's main office, as well as DNA's Fort Defiance branch office, are located in Window Rock, Arizona. DNA also has branch offices in Chinle, Arizona, Tuba City, Arizona, Flagstaff, Arizona, on the Hopi BIA judicial compound near Keams Canyon, Arizona, and Farmington, New Mexico. DNA legal staff practice in tribal, state, federal, and administrative courts. REQUIREMENTS: Attorneys must be a graduate of an accredited law school and a member of the Arizona, New Mexico, or Utah bar association, or if licensed in another jurisdiction, able to gain admission by motion or reciprocity. Must have strong oral and written communication skills; the ability to travel and work throughout the DNA service area; competence in working with diverse individuals and communities, especially with Native Americans, persons of color, other marginalized communities; and a commitment to providing legal services to the poor. SALARY RANGE (depending on experience): \$57,600 - \$76,500. BENEFITS: The position we are offering comes with benefits, including paid federal and Navajo Nation holidays, 10 sick days per year, two weeks paid vacation per year (which increases over time), low-cost health insurance for you and your dependents, no-cost dental insurance for you, and a fully paid \$60,000 life insurance policy. You may also opt to join our 401(k) plan. For our attorneys, we also pay for continuing legal education courses and Bar dues, and offer a generous reimbursable educational loan forgiveness program. DNA is a qualified employer under the Federal Public Service Loan Forgiveness Program. WHAT TO SUBMIT: Employment Application (found at <https://dnalegalservices.org/career-opportunities-2/>), Resume, Cover Letter, and, upon request, Transcripts (if applicants graduated within the last two years) and Writing Sample (Attorney applicants only). HOW TO APPLY: Email: HResources@dnalegalservices.org | Direct: 928.871.4151 ext. 5640 Cell: 928.245.4575 Fax: 928.871.5036 (Faxed documents accepted). Preference is given

to qualified Navajo and other Native American applicants. DNA requires all applicants to be eligible to work within the United States. DNA will not sponsor visas unless otherwise noted on the position description.

Civil Attorney

Seeking an experienced civil attorney to join our team on a part-time basis for a complex case nearing completion. Initially, we anticipate 5-10 hours per week, with the potential for more hours as the case progresses towards trial. Compensation is commensurate with experience. If interested, please reach out to Foghi Lawfirm at 505-229-5691.

Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

The Eleventh Judicial District Attorney's Office, Div. II, in Gallup, New Mexico, McKinley County is seeking applicants for Assistant Trial Attorneys, Trial Attorneys and Senior Trial Attorneys. You will enjoy working in a community with rich culture and history while gaining invaluable experience and making a difference. The McKinley County District Attorney's Office provides regular courtroom practice, supportive and collegial work environment. You are a short distance away from Albuquerque, Southern parts of Colorado, Farmington, and Arizona. We offer an extremely competitive salary and benefit package. Salary commensurate with experience. These positions are open to all licensed attorneys who are in good standing with the bar within or without the State of New Mexico. Please Submit resume to District Attorney Bernadine Martin, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to Bmartin@da.state.nm.us. Position to commence immediately and will remain open until filled.

Legal Assistant/Secretary

Legal Assistant/Secretary needed for criminal firm. Start immediately for part or full-time position. Phones, correspondence, simple legal drafting, transcription, case and client management. Court/legal experience preferred but not required. Pay DOE. Call Frechette & Associates at 505-247-8558 or email at Frechette@frechettelaw.com

Litigation Paralegal

Tired of billable hours? The Law Offices of Erika E. Anderson is looking for an experienced litigation paralegal for a very busy and fast-paced firm of three (3) attorneys. The candidate must be highly motivated and well organized, pay close attention to detail, be willing to take on multiple responsibilities, and be highly skilled when it comes to both computer software and written communication. Tasks will include, but are not limited to, filing pleadings in State and Federal Court; drafting motions; drafting, answering, and responding to discovery; subrogation negotiations; and communicating with opposing counsel and the Court. This is a wonderful opportunity to join an incredible team that works hard and is rewarded for hard work! The position offers a great working environment, benefits, and a competitive salary. If interested, please send a resume to accounting@eandersonlaw.com.

Full-Time Legal Assistant/ Legal Secretary

Madison, Mroz, Steinman, Kenny & Olexy, P.A., a well-established civil litigation firm, seeks a full-time Legal Assistant/Legal Secretary. The ideal candidate should have a minimum of 6 months of civil litigation experience, the ability to multitask effectively in a fast-paced environment, possess excellent skills in case management and calendar procedures, ability to assess priorities, highly motivated, detail oriented, strong work ethic, knowledge of State and Federal court rules, and proficient in Odyssey and CM/ECF e-filing. We offer an excellent fully funded health insurance plan, 401(K) and Profit Sharing Plan, paid designated holidays, PTO, and a professional and team-oriented environment. Please submit your resume to: becky@madisonlaw.com, or mail to Office Administrator, P.O. Box 25467, Albuquerque, NM 87125-5467.

Paralegal

Hiring paralegal for an established Family Law criminal defense practice located in Corrales, New Mexico. Looking for 20 to 25 hours a week. Experience is a must. Pay is negotiable. Please call 505-220-5691 for more information.

Forensic Document Examiner

Jan Seaman Kelly, owner of Forensic Dynamics LLC, accepts civil and criminal cases. Forty-three years' experience as a Forensic Document Examiner. Certification by the American Board of Forensic Document Examiners since 1993. Testified in State, Federal, and Administrative Courts. Document examinations include signatures, handwriting, typewriting, indented writing, printing processes, mechanical impressions, rubber stamps, obliterated or altered text, and, restoration of shredded documents. Fully equipped forensic laboratory. Website: <https://www.forensicsdynamics.org> Contact Jan Seaman Kelly at 702-682-0529 or forensicsdynamicsllc@gmail.com

Paralegal

Long, Komer & Associates, P.A. is a well-established law firm located in Santa Fe, New Mexico. Our law firm is seeking a full-time paralegal with litigation and transactional experience, with strong organizational skills and ability to assist with drafting and editing pleadings and transactional documents. This position will support multiple attorneys and requires interaction with clients and opposing counsel. The firm offers employee health and dental insurance, competitive salary, vacation and sick leave, and a 401(K) Plan. Please submit resume and writing sample to amelia@longkomer.com

Services

Motion/Brief Writer

Attorney licensed in New Mexico with experience in environmental, oil and gas, land use, water, and criminal law. Researching and writing pleadings for judicial and administrative litigation and appeals. No facts are too complex and your pleading will be clean, well-researched, and compelling. <https://minardlaw.us/>.

2025 *Bar Bulletin* Publishing and Submission Schedule

The *Bar Bulletin* publishes twice a month on the second and fourth Wednesday. Advertising submission deadlines are also on Wednesdays, three weeks prior to publishing by 4 pm.

Advertising will be accepted for publication in the Bar Bulletin in accordance with standards and ad rates set by publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication request. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. **Cancellations must be received via email by 5 p.m. (MT) 13 business days prior to the issue publication date.**

**For more advertising information, contact:
651-288-3422 or email marketing@sbnm.org**

The publication schedule can be found at
www.sbnm.org.



Looking for
an easy way to
get pro bono
hours?

ABA Free Legal Answers is a virtual legal advice portal where qualifying users request brief advice about a specific civil legal issue and pro bono volunteer attorneys provide information and basic legal advice.

Register as a volunteer attorney today and
you will be able to provide answers 24/7/365.

The platform can be accessed anytime,
anywhere at *your* convenience.

To Register as a volunteer attorney:

- Go to <https://nm.freelegalanswers.org/>
- Click on “Attorney Registration” and follow the prompts



The NEW MEXICO STATE BAR FOUNDATION is the
State Administrator of the ABA Free Legal Answers Program

A Guide to



State Bar of
New Mexico

Est. 1886

The State Bar of New Mexico's Digital Communications

As part of our mission to serve New Mexico's legal community, the State Bar of New Mexico is dedicated to ensuring that licensees are up-to-date with the latest information and announcements via regular digital e-newsletters and email communications. From news pertinent to New Mexico courts to pro bono opportunities, our emails cover a variety of legal information.

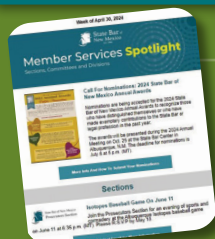


Bar Bulletin

The State Bar of New Mexico's official publication, the Bar Bulletin, is published on our website on the second and fourth Mondays of each month. The day that the *Bar Bulletin* is published online, an email is distributed to State Bar of New Mexico licensees that links to the new issue. To publish your notices, announcements, classifieds or articles in the *Bar Bulletin*, contact notices@sbnm.org.

eNews

Sent out each Friday morning, our weekly eNews e-newsletter is a comprehensive email containing a variety of information and announcements from the State Bar of New Mexico, the New Mexico State Bar Foundation, New Mexico courts, legal organizations and more. To advertise in eNews, please email marketing@sbnm.org. To have your organization's announcements or events published in eNews, please contact enews@sbnm.org.

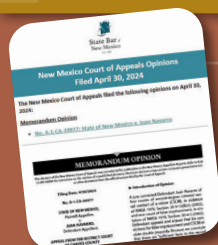


Member Services Spotlight

Emailed each Tuesday morning, our weekly Member Services Spotlight e-newsletter contains announcements and events from each of the State Bar's Sections, Committees and Divisions. To highlight your Section, Committee or Division's latest news, email memberservices@sbnm.org.

CLE Weekly Roundup

Distributed each Wednesday morning, the CLE Weekly Roundup provides a highlight of the New Mexico State Bar Foundation Center for Legal Education's upcoming CLE courses with information regarding the date and time of the course, credits earned and link to register. For more information regarding the CLE Weekly Roundup, please contact cleonline@sbnm.org.



New Mexico Court of Appeals Opinions

As a licensee benefit, the State Bar of New Mexico distributes introductions to the New Mexico Court of Appeals' published opinions with links to the full opinions the day they are published. For more information regarding the Court of Appeals opinions distribution, please contact opinions@sbnm.org.

Pro Bono Quarterly Newsletter

Disseminated quarterly, the State Bar of New Mexico's Pro Bono Quarterly e-newsletter provides the New Mexico legal community with an overview of initiatives to provide pro bono legal services for New Mexican residents in need. For more information on the newsletter or to advertise your pro bono or volunteer opportunity, contact probono@sbnm.org.

